



DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION
CONTINUATION

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201203098

PREPARED BY

(b)(6), (b)(7)(C)

2. REPORT NUMBER

005

10. NARRATIVE

On February 7, 2012, Special Agent (SA) (b)(6), (b)(7)(C) OPR/NO interviewed SDDO (b)(6), (b)(7)(C)

The following is a verbatim copy of the affidavit SDDO (b)(6), (b)(7)(C) provided to SAs (b)(6), (b)(7)(C). No corrections or alterations have been made.

Begin

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OF JEFFERSON



STATE OF ALABAMA

I (b)(6), (b)(7)(C) who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

A. (b)(6), (b)(7)(C) Supervisory Detention and Deportation Officer (SDDO), GS 13

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. (b)(7)(E)

Q. What is your current assignment and duty station?

A. Homewood, Alabama - Supervisory Detention and Deportation Officer

Q. How long have you worked in your current assignment at your current duty station?

A. (b)(7)(E)

Q. Who is your first line supervisor?

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A. (b)(6),(b)(7)(C)

Q. Briefly describe your duties.

A. Supervisor for Fugitive Operation Team (FOT) in Homewood.

Q. How many officers are on the (b)(6),(b)(7)(C) ☐

A. There are (b)(6) all together. We have a position open for one more.

Q. How long have you (b)(6),(b)(7)(C)

A. (b)(7)(E)

Q. When was the (b)(6) created in Homewood, AL?

A. (b)(7)(E) We are the original members of the team (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)

Q. How many operations have you (b)(6),(b)(7)(C) done here in Homewood since (b)(7)(E)

A. At least (b)(7)(E)

Q. Since the (b)(6) got started in (b)(7)(E) have you had any complaints from the public?

A. No, we have not. No complaints or allegations.

Q. Were you directly involved in "Operation Return to Sender"? What were the dates of the operation?

A. Yes. (b)(7)(E)

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes. An operation plan and target list is submitted through the chain of command and vetted by Headquarters (HQ) Office of Enforcement and Removal Operations (ERO). Also a summary of the two most egregious targets is submitted. Following approval of the operation plan by HQ and

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	10. NARRATIVE the director of ERO, the fugitive operations team (FOT) is authorized to conduct the enforcement action. Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest? A. Yes. See above answer. ☐ Q. Where there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way? A. No. The local law enforcement agencies were notified, but they did not participate in the operation. Q. Are you aware of a memo dated January 19, 2010, from (b)(6),(b)(7)(C) Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is "Documentation of Consent to Enter and Search"? A. Yes, I am. Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo? A. Yes, I am. Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations? A. Yes.

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Q. Were any juveniles encountered during "Operation Return to Sender?"

A. No.

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes. ☐

Q. This memo discusses Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a supervisor for a Fugitive Operation Team (FOT) do you and your officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes, I am. Birmingham FOT completes 4th amendment training every six months with the most recent on November 3, 2011. We also do training prior to a National Operation.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. Yes.

Q. To the best of your knowledge and belief, during "Operation Return to Sender" did you or any officer interrogate young children about the whereabouts of their parents?

A. No.

Q. During "Operation Return to Sender", did you are any officer involved in this operation threaten to arrest U.S. Citizen children if those children did not disclose the whereabouts of their parents?

A. No.

Q. Are you aware that there is an Office of Professional Responsibility (OPR) investigation regarding entering homes without permission and terrorizing families during the dates of "Operation Return to Sender?" If so, who did you discuss this investigation with?



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A. We were notified by management within the New Orleans Field Office that allegations were made that (b)(6),(b)(7)(C) and OPR would possibly be interviewing the

(b)(6),(

Note:

The following will be questions regarding seven address that you were directly involved with. Please provide the information to the best of your knowledge and belief.

(b)(6),(b)(7)(C)

Fort Payne, Alabama

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes. I was (b)(6),(b)(7)(C)

Q. During the operation, did you and other officers go to (b)(6),(b)(7)(C) Fort Payne, Alabama? If so, what was the purpose?

A. Yes. (b)(6),(b)(7)(C) was the fugitive target, and this was his last known address. He was the target of the investigation, and he was confirmed to be residing at this location.

Q. Who were the officers present that day at that address?

A. Myself along with Deportation Officer (DO) (b)(6),(b)(7)(C)
(b)(6),(b)(7)(C)

Q. What type of clothing were the officers wearing, and did they identify themselves?

A. We were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified ourselves as law enforcement.

Q. Upon arriving at the address, who was the first person that was encountered?

A. I was (b)(7)(E) DO (b)(6),(b)(7)(C) (b)(6),(b) saw an adult exit the front of the residence and made contact with (b)(6),(b)(7)(C) outside



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2. REPORT NUMBER

007

10. NARRATIVE

Between February 21 - 24, 2012, Special Agents (SAs) (b)(6),(b)(7)(C) OPR/NO conducted witness interviews of (b)(7)(E) with Enforcement and Removal Operations (ERO) in Homewood, Alabama. (b)(7)(E) the interviews were with Deportation Officers (DOs) who are bargaining unit employees, and they were represented by a union official (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Oakdale, Louisiana. One interview was with a (b)(6),(b)(7)(C) Immigration Enforcement Agent (SIEA) who is not a bargaining unit employee.

The (b)(7)(E) DOs are members of the Fugitive Operations Team (FOT).

All (b)(7)(E) employees were directly involved in "Operation Return to Sender" during December 9-11, 2011.

1	(b)(6),(b)(7)(C)	February 21, 2012
2		February 22, 2012
3		February 23, 2012
4		February 24, 2012
5		February 24, 2012

All (b)(7)(E) DOs stated that they were granted verbal consent by the each alleged victim to enter and search the residence. Each DO stated that there was no duress or coercion when consent was given, and consent was given freely. DOs stated that no person giving consent to enter and or search a residence is required to sign any document. The only requirement the DOs adhere to is getting (b)(7)(E) officers to witness the person giving consent.

DOs stated there was no issue with communication because several DOs speak the Spanish language.

The DOs identified detainees as either the target alien or an illegal alien, and placed them under arrest. DOs stated that everyone taken into custody was transported by one of the DOs to ERO Office in Chattanooga, TN. for processing. After processing, the detainees were transported by the DeKalb County Sheriff's Office to the DeKalb County Jail in Fort Payne, AL.

Detainees that were mandatory detention and not allowed bond were transported by The GEO Group to LaSalle Detention Center in Jena, LA.

DOs stated that no injuries were reported to them by any detainee during this operation.

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10. NARRATIVE The DOs prepared I-213's (Record of Deportable Alien) on each individual arrest and Field Operations Work Sheets (FOW) for each target alien arrested to document the events that occurred at each residence. Several of the I-213s and FOWs did not contain sufficient wording as to how the DOs obtained consent to enter and search a residence, as required. Each DO stated that they receive 4th Amendment Training every 6 months as required and the (b)(6) does not receive consent from juveniles to enter or search a residence. The DOs also stated that they do not interview or interrogate juveniles other than to ask where their parents are or ask how old they are. SIEA (b)(6),(stated that he arranged transportation for the detainees to be transported from Chattanooga, TN to Fort Payne, AL, and from Fort Payne to LaSalle Detention Center in Jena, LA. SIEA (b)(6),(stated that DeKalb County Sheriff's Office conducted transportation from Chattanooga to the Sheriff's Office in Fort Payne. From Fort Payne, The GEO Group transported the detainees to Jena. All (b)(7)(F) interviews were documented in sworn affidavits and will be attached to the file. Investigation to continue. □	

 DEPARTMENT OF HOMELAND SECURITY Immigration and Customs Enforcement Office of Professional Responsibility REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook		1. CASE NUMBER 201203098
		PREPARED BY (b)(6),(b)(7)(C)
		2. REPORT NUMBER 013
3. TITLE EMPLOYEE, UNKNOWN/Unknown/0506 CRCL-Detainee/Alien (Other)/FORT PAYNE, DE KALB, AL		
4. FINAL RESOLUTION		
5. STATUS Interim Report	6. TYPE OF REPORT Investigative Findings	7. RELATED CASES
8. TOPIC (b)(6),(b)(7)(C)		
9. SYNOPSIS On December 16, 2011 (b)(6),(b)(7)(C) in Montgomery AL, reported concerns about raids conducted by ICE Enforcement and Removal Operations (ERO), Fugitive Operations Team (FOT), in Homewood, AL. Armed ICE Agents allegedly went into trailer parks and apartment complexes in the Fort Payne, and Collinsville, AL areas, entered homes in Latino communities without permission and terrorized families. This report is to document the events that took place at (b)(6),(b)(7)(C) Fort Payne, AL. on December 11, 2011. ☐		
10. CASE OFFICER (Print Name & Title) (b)(6),(b)(7)(C) ICE-OPR Special Agent	11. COMPLETION DATE 10-APR-2012	14. ORIGIN OFFICE ICE OPR RAC New Orleans
12. APPROVED BY (Print Name & Title) (b)(6),(b)(7)(C) ICE-OPR Special Agent Supervisor	13. APPROVED DATE 11-APR-2012	15. TELEPHONE NUMBER No Phone Number
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BACKGROUND

The ICE, ERO, FOT was designed to arrest fugitive aliens-individuals who have not left the United States after receiving a final order of removal or who were issued a notice to appear at an ICE Detention and Removal Office but missed their scheduled hearing. Removal orders can be issued in absentia.

The FOT in Homewood, Alabama consist of (b)(6),(b)(7)(C) Deportation Officers (DOs), and a Supervisory Detention and Deportation Officer (SDDO).

During "Operation Return to Sender" conducted December 9-11, 2011, the FOT often carry a "Warrant of Deportation/Removal" (Form I-205) for the fugitive alien who is purportedly connected to the address of the house targeted. The I-205 is an administrative warrant, not a judicially-issued arrest or search warrant based on probable cause. It does not authorize entry into residences or other private areas.

AGENTS NOTE: Because an I-205 does not authorize the FOT to enter the home of the person named, the FOT was adamant that consent was always obtained before they enter into a residence.

For "Operation Return to Sender" the FOT was operating with a "Fugitive Operations Plan" (OPS Plan) which was approved through ICE, ERO Headquarters. No local law enforcement was involved, and no juveniles were targeted during the operation. (EXHIBIT 1)

Thirty-Five target aliens were identified and targeted during the operation. (EXHIBIT 2)

On December 11, 2011, the FOT went to (b)(6),(b)(7)(C) Fort Payne, AL to apprehend a fugitive alien, who was on their target list, named (b)(6),(b)(7)(C). Upon arrival, DOs (b)(6),(b)(7)(C) confront a Hispanic male, (b)(6),(b)(7)(C) in the parking lot of his apartment. The FOT determined that (b)(6),(b)(7)(C) was in the U.S. illegally and he was arrested at the scene. The FOT then searched the residence belonging to (b)(6),(b)(7)(C) and arrested another Hispanic male, (b)(6),(b)(7)(C) who the FOT also determined was in the U.S. illegally. (b)(6),(b)(7)(C) share the rent expense for the apartment, and both stated that they did not authorize the FOT to enter and search their residence.

The Record of Deportable Alien (I-213), was prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C) and it states "The subject gave the Team permission to enter his apartment to retrieve his Guatemalan Passport #

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(b)(6),(b)(7)(C) expires (b)(6),(b)(7)(C). Who specifically the authorization was given to is unknown because it was not documented on the I-213, and the officers cannot remember. DO (b)(6),(b)(7)(C) stated in the I-213 that the "Team" was given permission to enter and retrieve the passport. There was no mention made in the I-213 regarding permission to enter and conduct a search of the residence.
(EXHIBIT 3) ☐

The I-213, was also prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C) and it states that "Permission to enter the residence was granted by (b)(6),(b)(7)(C) who is a resident of the apartment. DO (b)(6),(b)(7)(C) stated in the I-213 that permission was granted for the FOT to enter the residence by (b)(6),(b)(7)(C) and to retrieve his passport. There was no mention made regarding permission to enter and search the residence.
(EXHIBIT 3)

When the FOT entered inside the apartment, they searched all the rooms of the residence, and gathered all individuals present in a common area. The FOT stated that safety of the officers was a concern. The FOT then requested proof of identification from all individuals present inside the apartment.

Both (b)(6),(b)(7)(C) were arrested by the FOT on December 11, 2011, and neither arrest fell under any of the categories that the (b)(6),(b)(7)(C) were supposed to target.

The FOT has the authority to question any person as to their right to enter, reenter, pass through, or reside in the United States (8 USC 1357, Power of Immigration Officers). The basis for this authority has been interpreted to require reasonable suspicion on the part of the agents that the person questioned is not a U.S. citizen.
(EXHIBIT 4)

AGENTS NOTE: The individual being interviewed must voluntarily agree to remain during questioning, because detaining an individual against their will for further questioning requires the officers to have a reasonable suspicion that the individual has committed a crime.

On December 16, 2011, (b)(6),(b)(7)(C) in Montgomery AL, reported concerns about raids conducted by ICE Agents in Alabama. (EXHIBIT 5)

INVESTIGATION

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talking to the children in the living room. The officer(s) then knocked loud and hard on his bedroom door. (b)(6),(b)(7)(C) stated that he told his wife to open the door to see what the officers wanted.

(b)(6),(b)(7)(C) stated that an officer entered the bedroom and shined a flashlight in his face while he was still in the bed with his son. The officer asked him for his identification and (b)(6),(b)(7)(C) stated that he keeps all of his personal information in a folder, and he began looking through the folder to locate his passport. (b)(6),(b)(7)(C) stated that he was very nervous, and could not find his document in the folder. The officer grabbed the folder out of his hands, and began looking through it himself.

(b)(6),(b)(7)(C) stated that the officer told him, and his family, to go to the living room. (b)(6),(b)(7)(C) stated that he was trying to call his pastor via phone to let him know what was taking place, and the officer took the phone away from him.

(b)(6),(b)(7)(C) stated that the officers never asked him for permission to enter or search his bedroom or the apartment. (b)(6),(b)(7)(C) stated that he pays rent for the bedroom at the apartment of \$215.00 a month.

Interview of (b)(6),(b)(7)(C) (EXHIBIT 8)
On February 28, 2012, SA (b)(6),(b)(7)(C) contacted (b)(6),(b)(7)(C) DHS/ICE, Deputy Chief Counsel, Oakdale, Louisiana, regarding the Fourth Amendment training that he provides to the Homewood, AL FOT. (b)(6),(b)(7)(C) provided SA (b)(6),(b)(7)(C) with a copy of the PowerPoint presentation he uses when providing the training.

(b)(6),(b)(7)(C) stated that he has provided Fourth Amendment training to the FOT throughout the New Orleans area of responsibility both in person and via VTC. He has conducted in-person Fourth Amendment training to ERO officers in Alabama, but he was not certain that the officers in Homewood, Alabama participated in the training that he provided. (b)(6),(b)(7)(C) stated that there are several other people that provide Fourth Amendment training as well.

HOMEWOOD FOT DOs INTERVIEWED: ☐

All the DOs stated that they receive Fourth Amendment training every 6 months, as required, by policy.

All the DOs stated that they were aware of the following policy memos: (EXHIBIT 9)

- Documentation of Consent to Enter and Search (Jan 19, 2010);
- Juveniles Encountered During Fugitive Operations (Aug 24, 07);

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- National Fugitive Operations Program: Priorities, Goals, and Expectations (Dec 08, 09);
- Exercising Prosecutorial Discretion (Jun 17, 211)

DO (b)(6), (b)(7)(C) (EXHIBIT 10) ☐

On February 21, 2012, SAs (b)(6), (b)(7)(C) OPR/NO conducted an interview of DO

(b)(6), (b)(7)(C) DO (b)(6), (b)(7)(C) was represented by the (b)(6), (b)(7)(C)

DO (b)(6), (b)(7)(C) stated that on December 11, 2011, the FOT went to (b)(6), (b)(7)(C) Fort Payne, AL to look for a fugitive alien. The FOT encountered a male later identified as (b)(6), (b)(6), (b)(7)(C) in the parking lot of his residence. (b)(6), (b)(7)(C) was approached by the FOT, and DO (b)(6), (b)(7)(C) believes that he was the officer that spoke to (b)(6), (b)(7)(C) DO (b)(6), (b)(7)(C) stated that based on the information that (b)(6), (b)(7)(C) provided, he determined that (b)(6), (b)(7)(C) was in the U.S. illegally.

DO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) advised the FOT that he had a passport inside his residence, and he gave the (b)(6), (b)(7)(C) permission to enter his residence to obtain his passport. DO (b)(6), (b)(7)(C) stated that the FOT, and (b)(6), (b)(7)(C) then entered his apartment to obtain his passport.

DO (b)(6), (b)(7)(C) stated that upon entering the residence the team encountered (b)(6), (b)(7)(C) and determined that he was an illegal alien. DO (b)(6), (b)(7)(C) stated that he does not recall who spoke to (b)(6), (b)(7)(C) first, and does not recall in what order they entered the residence. DO (b)(6), (b)(7)(C) stated that he also does not recall who first encountered (b)(6), (b)(7)(C) in the apartment.

DO (b)(6), (b)(7)(C) stated that he prepared the I-213 (EXHIBIT 3), and documented that (b)(6), (b)(7)(C) gave the FOT permission to enter his residence in order to retrieve his Guatemalan passport. But, (b)(6), (b)(7)(C) stated that he did not document who specifically (b)(6), (b)(7)(C) gave the consent to. At this time, DO (b)(6), (b)(7)(C) stated that he does not recall.

On March 2, 2012, DO (b)(6), (b)(7)(C) provided an amended affidavit via email. (EXHIBIT 10) DO (b)(6), (b)(7)(C) stated that he believes he was the FOT officer that spoke with (b)(6), (b)(7)(C) and he started talking in English, and when (b)(6), (b)(7)(C) did not understand he spoke in Spanish. DO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) gave consent to enter the apartment to all of the FOT members. DO (b)(6), (b)(7)(C) stated that he does not recall who encountered (b)(6), (b)(7)(C)

DO (b)(6), (b)(7)(C) (EXHIBIT 11)

On February 22, 2012, SA (b)(6), (b)(7)(C) conducted an interview of DO (b)(6), (b)(7)(C) was represented by the union.



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DO (b)(6),(b)(7)(C) stated that on December 11, 2011, the FOT initially went to (b)(6),(b)(7)(C) Fort Payne, AL to look for a fugitive alien, (b)(6),(b)(7)(C) who was on their target list. As the FOT arrived at the apartment complex parking lot, they encountered an individual later identified as (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that he approached (b)(6),(b)(7)(C)'s vehicle, and asked him which apartment he lived in. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) stated he did not live at this building, and that he was coming over to buy a four wheeled motorcycle that was on the back porch of that apartment building. DO (b)(6),(b)(7)(C) stated that he could see the motorcycle on the back porch, and that (b)(6),(b)(7)(C) stated he was buying the motorcycle from some white guy.

DO (b)(6),(b)(7)(C) stated that he went to the door where the motorcycle was located and knocked. A white female answered, and DO (b)(6),(b)(7)(C) stated he asked if she was selling the motorcycle. She replied that it belonged to the people next door. DO (b)(6),(b)(7)(C) stated that he then knocked on the apartment next door. A young child, about 5 or 6 years old answered the door. DO (b)(6),(b)(7)(C) stated that he asked the child if her parents were home, and at that time, (b)(7)(C) the officers who was back at the car with (b)(6),(b)(7)(C) (believe to be DO (b)(6),(b)(7)(C)) shouted that (b)(6),(b)(7)(C) admitted that he does live there, and will go inside to get his identification. DO (b)(6),(b)(7)(C) stated that they accompanied (b)(6),(b)(7)(C) inside apartment to retrieve (b)(6),(b)(7)(C) passport. DO (b)(6),(b)(7)(C) believes that DO (b)(6),(b)(7)(C) is the officer that received permission from (b)(6),(b)(7)(C) to enter his apartment. DO (b)(6),(b)(7)(C) stated that he does not remember the exact wording of whether they were given permission or how it was obtained.

DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) walked (b)(6),(b)(7)(C) to the apartment, and (b)(6),(b)(7)(C) went inside first, then DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) was asked if anyone else was in the apartment, and if he knew the target (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that everyone that was in the house gathered into the front room of the apartment that had been turned into a bedroom.

DO (b)(6),(b)(7)(C) stated that every adult in the house was asked if they knew the target, and no one claimed to have known him. DO (b)(6),(b)(7)(C) stated that another DO was running identifications on the people in the residence, but he does not remember who it was. DO (b)(6),(b)(7)(C) stated that the FOT made the decision to take the two males into custody (b)(6),(b)(7)(C). There were at least two females with children, and one adult male that had a child at the residence that were not taken into custody.

DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) admitted that he was in the U.S. illegally, and without proper documentation so he was taken into custody.

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(b)(6),(b)(7)(C)

2. REPORT NUMBER

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10. NARRATIVE

DO (b)(6),(b)(7)(C) stated that the first encounter he had with (b)(6),(b)(7)(C) was in the common area of the apartment, and has no knowledge of how (b)(6),(b)(7)(C) arrived there. DO (b)(6),(b)(7)(C) stated that he also does not recall who checked the identification on (b)(6),(b)(7)(C). It was determined during the routine checks that (b)(6),(b)(7)(C) was in the U.S. illegally.

DO (b)(6),(b)(7)(C) (EXHIBIT 12) ☐

On February 23, 2012, SAs (b)(6),(b)(7)(C) conducted an interview of DO (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was represented by the union.

DO (b)(6),(b)(7)(C) stated that when the FOT arrived at the address (b)(6),(b)(7)(C) was also getting out of his vehicle. DO (b)(6),(b)(7)(C) stated that he contacted (b)(6),(b)(7)(C) and asked him questions concerning his citizenship, and where he lived. (b)(6),(b)(7)(C) said that he was there to work on a mini-bike that was positioned in between two apartments.

DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) for identification, and (b)(6),(b)(7)(C) admitted that he was in the U.S. illegally. Based on his admission, DO (b)(6),(b)(7)(C) placed (b)(6),(b)(7)(C) under arrest and handcuffed him.

DO (b)(6),(b)(7)(C) stated that, during this time, DO (b)(6),(b)(7)(C) was knocking on the door of the apartment. (b)(6),(b)(7)(C) admitted that he lived in the apartment, and his identification (passport) was in the apartment. DO (b)(6),(b)(7)(C) stated that he asked (b)(6),(b)(7)(C) if they could all go in and get his identification, and (b)(6),(b)(7)(C) gave the FOT consent to enter. DO (b)(6),(b)(7)(C) stated that the door was already open, because someone had answered the door when DO (b)(6),(b)(7)(C) knocked. DO (b)(6),(b)(7)(C) stated that he notified DO (b)(6),(b)(7)(C) that (b)(6),(b)(7)(C) did live at that apartment, and he gave consent to enter.

DO (b)(6),(b)(7)(C) stated that he, (b)(6),(b)(7)(C) went in the residence together, but he does not remember the exact order of how they entered. Once inside they obtained (b)(6),(b)(7)(C) identification and the identification of all the adults inside the residence, with the exception of (b)(6),(b)(7)(C). All of the adults in the residence were foreign nationals without documentation to be in the U.S. legally.

DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) was unable to provide any identification, and admitted that he was in the U.S. illegally. At that time, he was taken into custody.

DO (b)(6),(b)(7)(C) stated that while they were in the apartment, SDDO (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) entered the apartment to assist in the search.

DO (b)(6),(b)(7)(C) stated that they did not arrest the other adults in the apartment based upon

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executing prosecutorial discretion.

SDDO (b)(6), (b)(7)(C) (EXHIBIT 13)

On February 7, 2012, SAs (b)(6), (b)(7)(C) OPR/NO interviewed SDDO (b)(6), (b)(7)(C) SDDO (b)(6), (b)(7)(C) stated that the FOT went to the location in an attempt to locate a fugitive alien (b)(6), (b)(7)(C) z.

SDDO (b)(6), (b)(7)(C) stated that prior to knocking on the residence (b)(6), (b)(7)(C) drove up in the parking lot. One of the officers asked him where he lived, and (b)(6), (b)(7)(C) pointed toward the apartments. An officer asked him for identification, and (b)(6), (b)(7)(C) said that it was inside the apartment. SDDO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) gave the FOT consent to go inside the apartment with him and retrieve his identification.

SDDO (b)(6), (b)(7)(C) stated that once inside, there were several other people in the apartment. (b)(6), (b)(7)(C) went and obtained his identification. SDDO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) admitted that he was illegal in the U.S., and he was arrested along with (b)(6), (b)(7)(C)

SDDO (b)(6), (b)(7)(C) stated that it was himself, DOs (b)(6), (b)(7)(C) inside the apartment. SDDO (b)(6), (b)(7)(C) stated that the FOT was wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions (EXHIBIT 14). All officers were displaying ICE badges, weapons and verbally identified themselves as law enforcement. SDDO (b)(6), (b)(7)(C) stated that English and Spanish was used to communicate.

SDDO (b)(6), (b)(7)(C) stated that he does not recall which officer initially spoke with (b)(6), (b)(7)(C) and what language was used.

SDDO (b)(6), (b)(7)(C) stated that the best he can recall (b)(6), (b)(7)(C) went in his residence, and allowed the FOT to follow him inside. SDDO (b)(6), (b)(7)(C) stated that he did witness (b)(6), (b)(7)(C) giving authorization to enter his apartment.

SDDO (b)(6), (b)(7)(C) stated that all officers acted in a professional manner, and all policies and procedures were followed.



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EXHIBITS

1. Fugitive Operations Plan
2. Target List
3. I-213's Record of Deportable Alien
4. Copy of 18 USC 1357 (Power of Immigration Officers and Employees
5. Southern Poverty Law Center Letter: Dated December 16, 2011
6. Interviews of (b)(6), (b)(7)(C)
7. Interviews of (b)(6), (b)(7)(C)
8. Interview of (b)(6), (b)(7)(C)
9. ERO Memos
10. Interview of (b)(6), (b)(7)(C)
11. Interview of (b)(6), (b)(7)(C)
12. Interview of (b)(6), (b)(7)(C)
13. Interview of (b)(6), (b)(7)(C)
14. Photos of ICE Vest



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In a letter dated December 16, 2011, addressed to Department of Homeland Security (DHS) Secretary Janet Napolitano, (b)(6),(b)(7) reported concerns regarding raids conducted by ICE agents in AL. (b)(6),(b)(7) stated that armed ICE agents allegedly went into trailer parks and apartment complexes in the Fort Payne, AL areas, entered homes in Latino communities without permission, terrorized families and interrogated U.S. Citizen Children.

The armed ICE agents that (b)(6),(b)(7)(C) referenced are members of the ICE, Enforcement and Removal Operations (ERO), Fugitive Operations Team (FOT) in Birmingham, AL. The FOT consists of (b)(7) Supervisory Detention and Deportation Officer (SDDO (b)(6),(b)(7)(C) and (b)(7)(E) Deportation Officers (DO (b)(6),(b)(7)(C).

From December 9, 2011, through December 11, 2011, the Birmingham FOT participated in Operation Return to Sender, a national enforcement program designed to arrest ICE fugitive aliens, previously removed aliens, removable aliens convicted of crimes, and otherwise dangerous aliens.

☐

While planning this operation the FOT identified thirty-five ICE fugitives living in their area of responsibility. The FOT prepared a Field Operations Worksheet (FOW) for each fugitive identified along with their last known address. If available, the FOT attached a photograph of the fugitive alien along with biographical information to properly identify the fugitive.

Prior to the commencement of the operation, the FOT prepared a Fugitive Operations Plan (OPS Plan) which was approved through ICE, ERO Headquarters. The OPS Plan designated the dates of the operation along with names of each targeted fugitive alien. The OPS Plan also stated that no local law enforcement would be involved and no juveniles would be targeted during the operation.

A "Warrant of Deportation/Removal" (Form I-205) was issued for each fugitive alien targeted during this operation. The last known address associated with the targeted alien is listed on the Form I-205. The Form I-205 is an administrative warrant that does not authorize the FOT to enter residences or other private areas of the residence.

A memorandum dated December 8, 2009, "National Fugitive Operations Program: Priorities, Goals, and Expectations" from the Assistant Secretary, John Morton to the ERO, Field Office Directors (FOD) and all FOT members, clarifies the enforcement priorities of the National Fugitive Operations Program within ERO. The memorandum states that FOT members will receive Fourth Amendment training every 6 months which will focus on the special considerations when

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apprehending fugitives at their homes. ☐

Each FOT member stated that they receive Fourth Amendment training every 6 months, as required, by policy.

Each FOT members stated that they were aware of the following policy and guidance memorandums:

- Documentation of Consent to Enter and Search (Jan 19, 2010); In the "Documentation of Consent to Enter and Search", memorandum mentioned above, it states, in part, that when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as identity of any other individuals that witness the granting of consent. The officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the FOW as soon as it is practical after receiving consent. If an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).
- Juveniles Encountered During Fugitive Operations (Aug 24, 2007); This memorandum provides clarification to ERO, FOT who encounter U.S. citizen and Lawful Permanent Resident(LPR) juveniles during execution of enforcement initiatives targeting fugitive aliens.
- Exercising Prosecutorial Discretion (Jun 17, 2011) This memorandum provides ICE personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. It also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

On February 28, 2012, SA (b)(6),(b)(7)(C) contacted (b)(6),(b)(7)(C) DHS/ICE, Deputy Chief Counsel, Office of Principal Legal Advisor (OPLA) Oakdale, Louisiana, regarding the Fourth Amendment training that he provides to the FOT in Birmingham, AL. Deputy Chief (b)(6),(b)(7)(C) provided SA (b)(6),(b)(7)(C) with a copy of the PowerPoint presentation he uses when providing the training. Deputy Chief (b)(6),(b)(7)(C) stated that he has provided Fourth Amendment training to the FOT throughout the New Orleans FOD area of responsibility both in person and via Video Teleconferencing (VTC). He has conducted in-person Fourth Amendment training to ERO officers in Alabama, but he was not certain that the officers in Birmingham participated in the training that he provided. Deputy Chief (b)(6),(b)(7)(C) stated that there is another attorney that provides Fourth Amendment training as well,

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Deputy Chief Counsel (b)(6), (b)(7)(C)

OPR obtained copies of the "Employee Training Checklist" that shows names and dates of employees that participated in the Fourth Amendment Training. The Birmingham FOT members received Fourth Amendment Training on May 5, 2011 and on November 3, 2011.

DETAILS OF INVESTIGATION:

In their complaint, (b)(6), identified nine addresses where they alleged violations occurred. The (b)(6), presented witnesses from each of these nine locations to support their claims. During the course of this investigation, OPR interviewed the witnesses presented by the (b)(6), as well as the ERO employees identified as participating in the enforcement actions at each location. The following is a breakdown of each location identified by the (b)(6), and the statements made by the (b)(6), witnesses and the involved ERO employees.

Each address is listed by the name of the individual arrested at the location.

1. (b)(6), (b)(7)(C) Scottsboro, AL

Interview of (b)(6), (b)(7)(C) ☐

On December 29, 2011, Special Agents (SAs) (b)(6), (b)(7)(C) ICE, Office of Professional Responsibility, New Orleans, (OPR/NO) Louisiana, interviewed detainee (b)(6), (b)(7)(C) at the LaSalle Detention Center (LDC), Jena, Louisiana. Present at the interview were two attorneys, (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C) and two representatives from DHS, Civil Rights and Civil Liberties (CRCL) (b)(6), (b)(7)(C) Washington, D.C. The interview was memorialized in an Agent Affidavit by SA (b)(6), (b)(7)(C)

Detainee (b)(6), (b)(7)(C) was allowed contact with the (b)(6), (b)(7)(C) attorneys the day before and the day of the interview. A release form was furnished by (b)(6), (b)(7)(C) to represent and advise detainee (b)(6), (b)(7)(C)

Detainee (b)(6), (b)(7)(C) stated that he and his wife (b)(6), (b)(7)(C) were sitting in a car in the driveway when the officers approached them and stated they had a deportation warrant for his arrest. Detainee (b)(6), (b)(7)(C) stated that his wife told the officers that she had documents she received from ICE regarding his status. Detainee (b)(6), (b)(7)(C) stated that he and his wife went inside their residence to obtain the documents and the officers followed them inside. Detainee (b)(6), (b)(7)(C) stated that he did not give permission for the officers to enter his residence and conduct a search.

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Detainee (b)(6),(b)(7) stated he was never mistreated by the officers. Detainee (b)(6),(b) stated that he remembers what the officers were wearing, but he does not remember what they looked like.

Interview of (b)(6),(b)(7)(C) ☐

On January 26, 2012, SA (b)(6),(b)(7)(C) and Resident Agent in Charge (RAC) (b)(6),(b)(7)(C) OPR/NO interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present at the interview was an attorney, (b)(6),(b)(7)(C) from SPLC and (b)(6),(b)(7)(C) from CRCL via telephone. Interpreters were provided by CRCL via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) was in contact with the (b)(6),(b)(7)(C) attorney before the interview. A Release form was furnished by (b)(6),(b)(7)(C) to represent and advise (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) stated that (b)(7)(E) armed officers, wearing uniforms with ICE written on the back, displaying a badge and a weapon came to her residence. (b)(6),(b)(7)(C) stated that she, her husband (b)(6),(b)(7)(C) and two children were in their vehicle preparing to take the children to school. (b)(6),(b)(7)(C) stated that the officers said they were there to arrest her husband. (b)(6),(b)(7)(C) stated that she advised the officers that she had documents from ICE regarding her husband's status in her residence, and the officer told her to go get them. (b)(6),(b)(7)(C) stated that she and her family went inside the residence, and the (b)(6),(b)(7)(C) officers entered their home without permission.

(b)(6),(b)(7)(C) stated that no one was injured that day and the officers never mistreated them. (b)(6),(b)(7)(C) was shown photo line-ups of the FOT members and (b)(6),(b)(7)(C) could not identify any (b)(6),(b)(7)(C) member.

Re-Interview of (b)(6),(b)(7)(C)

On March 26, 2012, SA (b)(6),(b)(7)(C) conducted a telephonic re-interviewed with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) attorney (b)(6),(b)(7)(C). The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C). (b)(6),(b)(7)(C) maintained that neither she nor her husband (b)(6),(b)(7)(C) gave the officers permission to enter their residence. (b)(6),(b)(7)(C) stated that the officers just walked inside and followed her to her bedroom to retrieve some documentation.

Interview of DC (b)(6),(b)(7)(C)

On February 23, 2012, SAs (b)(6),(b)(7)(C) OPR/NO conducted a witness interview of

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10. NARRATIVE On February 23, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C) DO (b)(6),(b)(7)(C) stated that he confronted (b)(6),(b)(7)(C) along with his wife (b)(6),(b)(7)(C) in front of their residence. DO (b)(6),(b)(7)(C) stated that upon conducting record checks on (b)(6),(b)(7)(C) it indicated that she had an active immigration warrant and (b)(6),(b)(7)(C) was taken into custody. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) indicated that he had a new court hearing with the immigration judge, and that his paperwork was inside the residence. DO (b)(6),(b)(7)(C) stated that he asked for permission to go with (b)(6),(b)(7)(C) inside the residence to retrieve the paperwork, and (b)(6),(b)(7)(C) agreed to allow them to enter. DO (b)(6),(b)(7)(C) stated that he along with (b)(6),(b)(7)(C) and SDDO (b)(6),(b)(7)(C) entered the residence. DO (b)(6),(b)(7)(C) stated that while inside the residence they encountered (b)(6),(b)(7)(C) adult son who provided identification that he was (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that it was determined through immigration record checks (b)(6),(b)(7)(C) was in the U.S. illegally and he was taken into custody. Interview of SDDO (b)(6),(b)(7)(C) ☐ On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C) SDDO (b)(6),(b)(7)(C) stated that the FOT was at the address looking for a fugitive named (b)(6),(b)(7)(C). While they were at the residence (b)(6),(b)(7)(C) and his wife, (b)(6),(b)(7)(C) returned home in their vehicle. SDDO (b)(6),(b)(7)(C) stated that DOs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) went to the vehicle to talk to them. SDDO (b)(6),(b)(7)(C) stated that after conducting several computer queries, it was determined that (b)(6),(b)(7)(C) had an active Warrant of Deportation (I-205), and she was also identified as an ICE fugitive alien. SDDO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) had immigration court documents in his possession that indicated he was granted a motion to reopen in his immigration court proceedings dated 12/9/2011, and (b)(6),(b)(7)(C) was not taken into custody. SDDO (b)(6),(b)(7)(C) stated that their son, (b)(6),(b)(7)(C) was arrested for not having documents and being in the U.S. illegally. (b)(6),(b)(7)(C) was released after processing on his own recognizance (OR). SDDO (b)(6),(b)(7)(C) stated that he does not know who gave permission for the FOT members to enter	

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the residence.

Interview of DO (b)(6),(b)(7)(C)

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DC (b)(6),(b)(7)(C) was represented by (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) was provided with a Disclosure Warning for Bargaining Unit Employees and Weingarten. (b)(6),(b)(7)(C) was provided a Disclosure Warning for Union Representative.

DO (b)(6),(b)(7)(C) stated that the FOT went to the address to locate fugitive (b)(6),(b)(7)(C). While at the residence (b)(6),(b)(7)(C) and his wife, (b)(6),(b)(7)(C) arrived at the residence in their vehicle. DO (b)(6),(b)(7)(C) stated that he approached the vehicle and identified (b)(6),(b)(7)(C) as their fugitive.



DO (b)(6),(b)(7)(C) stated that after conducting computer queries it was determined that (b)(6),(b)(7)(C) was identified as an ICE fugitive. DC (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) claimed to have documentation in his residence to show his case had been re-opened, and (b)(6),(b)(7)(C) claimed to have her immigration papers in the residence, as well. DO (b)(6),(b)(7)(C) stated that both, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) gave consent for the FOT to enter the residence.

DC (b)(6),(b)(7)(C) stated that the (b)(6),(b)(7)(C) was in possession of documents showing that his case was reopened so he was not taken into custody. (b)(6),(b)(7)(C) had no paperwork showing legal status, therefore she was arrested.

DO (b)(6),(b)(7)(C) stated that their son, (b)(6),(b)(7)(C) was also encountered by the FOT in the residence. DO (b)(6),(b)(7)(C) stated that it was determined that (b)(6),(b)(7)(C) was illegally in the U.S. and he was arrested along with his mother.

Form I-213

The Form I-213 for detainee (b)(6),(b)(7)(C) was prepared by DC (b)(6),(b)(7)(C) and states that the "fugitives" gave the FOT permission to enter their trailer and search for documents. It does not mention who received the consent or who witnessed the consent.

The Form I-213 for (b)(6),(b)(7)(C) was prepared by DC (b)(6),(b)(7)(C) and the form states that the "fugitives" gave permission for the FOT to enter the residence.

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DO (b)(6),(b)(7) stated that he observed a female, later identified as (b)(6),(b)(7)(C) come out of the residence and get into a vehicle. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) asked (b)(6),(b)(7)(C) if they could enter the residence to speak to her husband and she agreed. As they approached the front door, it was opened by a Hispanic male, who was identified by the picture on the FOW as (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) asked (b)(6),(b)(7)(C) if they could come inside to talk with him and he gave consent.

DO (b)(6),(b)(7)(C) stated that it was explained to (b)(6),(b)(7)(C), and his wife, that they had a warrant for (b)(6),(b)(7)(C) arrest, and at that time (b)(6),(b)(7)(C) became combative and FOT members had to secure (b)(6),(b)(7)(C).

Interview of DO (b)(6),(b)(7)(C)

On February 24, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that the FOT was at the residence looking for ICE fugitive (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that when she arrived at the residence the other FOT members were already inside. DO (b)(6),(b)(7)(C) stated that she went inside the residence and noticed a female in the kitchen area. DO (b)(6),(b)(7)(C) stated that she began talking with the female to help calm her while detainee (b)(6),(b)(7)(C) was being arrested.

Interview of SDDO (b)(6),(b)(7)(C)

On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C).

SDDO (b)(6),(b)(7)(C) stated that he was located at the rear of the address to provide coverage to the (b)(6). The FOT was at the residence searching for an ICE fugitive named (b)(6),(b)(7)(C). SDDO (b)(6),(b)(7)(C) stated that they were all wearing vest and identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. SDDO (b)(6),(b)(7)(C) stated that all officers were displaying their ICE badges, weapons and verbally identified themselves as law enforcement.

SDDO (b)(6),(b)(7)(C) stated that he did not know who gave FOT members consent to enter the residence.

SDDO (b)(6),(b)(7)(C) stated that after encountering detainee (b)(6),(b)(7)(C), the FOT members explained to him that there was a warrant for his arrest, and at that time detainee (b)(6),(b)(7)(C) became resistant and control techniques were used to place detainee (b)(6),(b)(7)(C) in handcuffs. SDDO (b)(6),(b)(7)(C) stated

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that after (b)(6),(b)(7)(C) was in handcuffs, he began to apologize for resisting.

FOW and FORM I-213 ☐

The FOW was prepared by DO (b)(6),(b)(7)(C) and it states that the "Subject" gave consent to enter the residence.

The Form I-213 was prepared by DO (b)(6),(b)(7)(C) and it states that both (b)(6),(b)(7)(C) gave consent for the FOT to enter the residence.

5. (b)(6),(b)(7)(C) Fort Payne, AL.

Interview of (b)(6),(b)(7)(C)

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney from (b)(6),(b)(7)(C) and from CRCL, (b)(6),(b)(7)(C) participated via telephone. CRCL provided the interpreter for the interview via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C).

(b)(6),(b)(7) was in contact with the (b)(6),(b)(7)(C) attorney before the interview. A Release form was furnished by (b)(6),(b)(7)(C) to represent and advise (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) stated that officers wearing clothes with ICE on their back knocked on the front door, and when he opened the door the officers entered without asking permission. (b)(6),(b)(7)(C) stated that the officers showed him a photograph of a female who reportedly used the address (b)(6),(b)(7)(C). (b)(6),(b)(7)(C) stated he advised the officers that he did not know the female in the photograph.

(b)(6),(b)(7) stated that the officers asked him if they could search his trailer, and (b)(6),(b)(7)(C) stated that the officers were already inside looking around anyway. (b)(6),(b)(7)(C) stated that on the top of his television was a photograph of his two daughters who are 19 and 20 years old. (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) officers looked at the picture and began laughing saying that they liked those "pussies" in the picture. (b)(6),(b)(7)(C) stated that he cannot remember which officer made the comment.

(b)(6),(b)(7) was shown photo line-ups of the FOT members and (b)(6),(b)(7)(C) identified DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) as being at his residence, but he did not remember which officer did what while inside the residence.

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1. CASE NUMBER

201203098

PREPARED BY

(b)(6), (b)(7)(C)

2. REPORT NUMBER

014

10. NARRATIVE

OPR requested a copy of the photo that (b)(6), (b)(7)(C) described for investigative purposes, but (b)(6), (b)(7)(C) declined the request.

Interview of DO (b)(6), (b)(7)(C)

On February 23, 2012, SA (b)(6), (b)(7)(C) interviewed DO (b)(6), (b)(7)(C)

DO (b)(6), (b)(7)(C) stated that he along with DO (b)(6), (b)(7)(C) went to the address to locate fugitive (b)(6), (b)(7)(C). DO (b)(6), (b)(7)(C) stated that SDDO (b)(6), (b)(7)(C) knocked on the door, and a man, later identified as (b)(6), (b)(7)(C) was advised that the FOT was looking for someone that was using his address.

DO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) granted permission for them to enter and to search the residence. DO (b)(6), (b)(7)(C) stated that they showed a photograph of (b)(6), (b)(7)(C) and he stated that he did not know her. DO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) was asked about his immigration status, and it was determined that he was illegally in the U.S., and he was taken into custody.

DO (b)(6), (b)(7)(C) stated that they were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. All officers were displaying their ICE badges, weapons and verbally identified themselves as law enforcement.

Interview of DO (b)(6), (b)(7)(C) ☐

On February 21, 2012, SAs (b)(6), (b)(7)(C) interviewed DO (b)(6), (b)(7)(C)

DO (b)(6), (b)(7)(C) stated that he along with SDDO (b)(6), (b)(7)(C) went to the address looking for fugitive (b)(6), (b)(7)(C). DO (b)(6), (b)(7)(C) stated that when they knocked on the front door a Hispanic male (b)(6), (b)(7)(C) gave FOT members consent to enter the residence. DO (b)(6), (b)(7)(C) stated they were wearing outer ICE vest covers with their badges, identifying themselves as police and or ICE agents. DO (b)(6), (b)(7)(C) stated that the ICE fugitive was not located, but (b)(6), (b)(7)(C) was arrested for being in the U.S. illegally.

Interview of SDDO (b)(6), (b)(7)(C)

On February 7, 2012, SAs (b)(6), (b)(7)(C) interviewed SDDO (b)(6), (b)(7)(C)

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PREPARED BY

(b)(6), (b)(7)(C)

2. REPORT NUMBER

014

10. NARRATIVE

SDDO (b)(6), (b)(7)(C) stated that he along with DOS (b)(6), (b)(7)(C) went to the residence looking for a female fugitive (b)(6), (b)(7)(C). SDDO (b)(6), (b)(7)(C) stated that he knocked on the front door and (b)(6), (b)(7)(C) answered. SDDO (b)(6), (b)(7)(C) stated that he showed (b)(6), (b)(7)(C) a photograph of (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) said he did not know her, and that no women lived in the house. SDDO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) then said they can come in and look around.

SDDO (b)(6), (b)(7)(C) stated that they were all wearing vest and/or identification jackets with police/ ICE identifiers issued by ICE for enforcement actions. Each officer was displaying ICE badges, weapons and verbally identified themselves as law enforcement.

FORM I-213 ☐

The Form I-213 was prepared by DO (b)(6), (b)(7)(C) and it states that (b)(6), (b)(7)(C) gave the FOT members permission to enter and search his residence. The Form I-213 does not state who obtained or witnessed the consent.

6. (b)(6), (b)(7)(C) Fort Payne, AL

Interview of (b)(6), (b)(7)(C)

On December 29, 2011, SAs (b)(6), (b)(7)(C) interviewed detainee (b)(6), (b)(7)(C) at LDC. Present at the interview were (b)(6), (b)(7)(C) attorneys from (b)(6), (b)(7)(C) and two representatives from CRCL (b)(6), (b)(7)(C). Interpreters were provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6), (b)(7)(C).

Detainee (b)(6), (b)(7)(C) was in contact with the (b)(6), (b)(7)(C) attorneys the day before and the day of the interview. A release form was furnished by (b)(6), (b)(7)(C) to represent and advise detainee (b)(6), (b)(7)(C).

Detainee (b)(6), (b)(7)(C) stated that he was outside his residence when the officers approached him and asked for his documents. Detainee (b)(6), (b)(7)(C) stated that he went inside his home and brought out his documents, giving them to the officers. Detainee (b)(6), (b)(7)(C) stated that one of the officers took his documents and made a phone call. After the phone call the officer placed him in handcuffs. Detainee (b)(6), (b)(7)(C) stated that no officer ever told him why he was being arrested. Detainee (b)(6), (b)(7)(C) stated that after the officer handcuffed him, the other officer went inside his residence without permission and stayed inside for about ten minutes. Detainee (b)(6), (b)(7)(C) stated he did not know why the officer went into his residence, but he did not have permission from him to enter.

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10. NARRATIVE

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members and (b)(6),(b)(7)(C) only identify DO (b)(6),(b)(7)(C).

Interview of DO (b)(6),(b)(7)(C) ☐

On February 22, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that he knocked on the front door and a female, identified as (b)(6),(b)(7)(C), answered. DO (b)(6),(b)(7)(C) stated that they identified themselves as ICE agents and they were looking for someone who used this address. DO (b)(6),(b)(7)(C) stated that he asked if he could come inside to speak with (b)(6),(b)(7)(C) husband and she replied "yes."

DO (b)(6),(b)(7)(C) stated that he advised both (b)(6),(b)(7)(C) that the FOT was in possession of an order of deportation for detainee (b)(6),(b)(7)(C) and he was taken into custody.

Interview of DO (b)(6),(b)(7)(C)

On February 24, 2012, SA (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) knocked on the front door of the residence and the wife, later identified as (b)(6),(b)(7)(C), answered the door. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) explained who they were, and that they were looking for someone who lived at the address. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) said she lived there with her husband and three children. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) asked for permission to enter the residence and (b)(6),(b)(7)(C) said "yes." DO (b)(6),(b)(7)(C) stated that once they entered the residence they encountered the target (b)(6),(b)(7)(C) and placed him under arrest.

Interview of DO (b)(6),(b)(7)(C)

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that the FOT went to the address to arrest the fugitive (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) went to the front door and knocked while he went toward the rear of the residence. DO (b)(6),(b)(7)(C) stated that he was notified that DO (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were inside the residence. DO (b)(6),(b)(7)(C) stated that DOs (b)(6),(b)(7)(C) informed detainee (b)(6),(b)(7)(C) that he was under arrest.

The FOW and Form I-213

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	PREPARED BY (b)(6), (b)(7)(C)
	2. REPORT NUMBER 014
10. NARRATIVE (b)(6), (b)(7)(C) stated that he was standing in the kitchen of his residence when he heard a knock on the front door. (b)(6), (b)(7)(C) stated that when the officers saw him they asked for his identification, and then told him to sit on the couch. (b)(6), (b)(7)(C) stated that the officers asked him where his brother (b)(6), (b)(7)(C) was, and (b)(6), (b)(7)(C) stated he told the officers that he did not know. (b)(6), (b)(7)(C) stated that he showed the officers his documentation, and the officers advised him that he and his brother (b)(6), (b)(7)(C) were going to be arrested. (b)(6), (b)(7)(C) was shown a photo line-up and he identified DO (b)(6), (b)(7)(C) and DO (b)(6), (b)(7)(C) Pascual could not describe what each FOT member did at the residence. Interview of DO (b)(6), (b)(7)(C) ☐ On February 22, 2012, SAs (b)(6), (b)(7)(C) interviewed DO (b)(6), (b)(7)(C) DO (b)(6), (b)(7)(C) stated that when he knocked on the front door it got loud and noisy on the inside like people were running, and then the noise just suddenly stopped. DO (b)(6), (b)(7)(C) stated that a female (possibly teenager) opened the door. DO (b)(6), (b)(7)(C) stated that he spoke English to her, and he noticed that an adult female was standing behind the young female talking to her. DO (b)(6), (b)(7)(C) stated that he asked the young female if that was her mother and she said yes. DO (b)(6), (b)(7)(C) stated that he asked the daughter if she could tell her mother who they were and that they were looking for someone. DO (b)(6), (b)(7)(C) stated that he asked the daughter to ask her mother if they could come inside and look around. DO (b)(6), (b)(7)(C) stated that the mother and daughter were speaking to one another in their dialect, and at the same time the daughter said they could come in and the mother waved them in with her hands. Upon entering the residence, DO (b)(6), (b)(7)(C) stated that a Hispanic male identified as (b)(6), (b)(7)(C) was sitting in the kitchen eating as if no one was there and never acknowledged their presence. DO (b)(6), (b)(7)(C) stated that there was a furnace close to (b)(6), (b)(7)(C). DO (b)(6), (b)(7)(C) pulled the cover off of the furnace and (b)(6), (b)(7)(C) was hiding behind the furnace. DO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) was arrested, and (b)(6), (b)(7)(C) was also arrested because he was in the U.S. illegally with no documents. Interview of DO (b)(6), (b)(7)(C) On February 23, 2012, SAs (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) interviewed DO (b)(6), (b)(7)(C)	

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(b)(6),(b)(7)(C)

2. REPORT NUMBER

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10. NARRATIVE

DO (b)(6),(b)(7)(C) stated that when DO (b)(6),(b)(7)(C) knocked on the front door, it sounded like major construction started inside the house, it was loud and there were banging noises coming from the kitchen/bedroom area. DO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) indicated that they had permission to search the residence.

DO (b)(6),(b)(7)(C) stated that a male, later identified as (b)(6),(b)(7)(C) was sitting at a table in the kitchen holding a baby and eating a few feet away from the furnace. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) continued sitting at the table eating and holding the child.

DO (b)(6),(b)(7)(C) stated that he located (b)(6),(b)(7)(C) hiding inside an interior wall behind the furnace. DO (b)(6),(b)(7)(C) stated that he pulled the furnace cover off and saw (b)(6),(b)(7)(C) hiding behind/inside the furnace. (b)(6),(b)(7)(C) was instructed to come out from behind the furnace, and he had to be assisted out through a fake door inside the bedroom closet.

DO (b)(6),(b)(7)(C) stated that upon requesting identification from (b)(6),(b)(7)(C) it was determined that (b)(6),(b)(7)(C) was illegally present in the United States and was taken into custody along with (b)(6),(b)(7)(C).

Interview of SDDO (b)(6),(b)(7)(C) ☐

On February 7, 2012, SAs (b)(6),(b)(7)(C) interviewed SDDO (b)(6),(b)(7)(C).

SDDO (b)(6),(b)(7)(C) stated that DO (b)(6),(b)(7)(C) knocked at the front door and made contact with the residents. SDDO (b)(6),(b)(7)(C) stated that he was standing off of the porch, but could hear consent given to enter the residence. SDDO (b)(6),(b)(7)(C) stated he did not see who gave consent, but he could hear a female voice. SDDO (b)(6),(b)(7)(C) stated that after receiving consent they entered the residence. SDDO (b)(6),(b)(7)(C) stated that they were told that the target (b)(6),(b)(7)(C) was not in the residence, and that they could look around. SDDO (b)(6),(b)(7)(C) stated that they heard and saw the target (b)(6),(b)(7)(C) hiding behind the A/C and furnace unit, and he eventually came out.

FOW and Form I-213

The FOW was prepared by DO (b)(6),(b)(7)(C) for detainee (b)(6),(b)(7)(C) and it states that (b)(6),(b)(7)(C) gave the FOT consent to enter the residence.

Form I-213 for the target (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b)(7)(C) and it states that (b)(6),(b)(7)(C) gave the FOT consent to enter the residence.

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10. NARRATIVE

Form I-213 for (b)(6),(b)(7)(C) was prepared by DO (b)(6),(b) and it states that (b)(6),(b)(7)(C) gave the (b)(6) consent to enter the residence.

9. (b)(6),(b)(7)(C) Fort Payne, AL.

Interview of (b)(6),(b)(7)(C) ☐

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) and present at the interview was an attorney (b)(6),(b)(7)(C) with (b)(6),(b) and from CRCL (b)(6),(b)(7)(C) via telephone. An interpreter was used via telephone, and was provided by CRCL. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) was in contact with the (b)(6),(b) attorneys before the interview. A release form was furnished by (b)(6),(b) to represent and advise (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) stated that he was confronted by the ICE officers outside his apartment. (b)(6),(b)(7)(C) stated that several officers stayed with him while other officers went to his (b)(6),(b)(7)(C) knocked loud on the door, and his two young daughters opened the door. (b)(6),(b)(7)(C) stated that the officer(s) then went inside the apartment while (b)(6),(b) officers stayed with him at his car. (b)(6),(b)(7)(C) stated that there were (b)(7)(E) officers present wearing shirts with ICE written on the back, and they were wearing weapons.

(b)(6),(b)(7)(C) stated that he asked the officers if he could go inside his residence to get his documents. (b)(6),(b)(7)(C) stated that when he walked inside his apartment the officers followed him inside without asking for permission.

(b)(6),(b)(7)(C) stated that he and others that live in the apartment were brought to the living room area, and an officer showed everyone a picture. The officer asked if anyone recognized or knew this person. (b)(6),(b)(7)(C) stated that the officer then began asking everyone when they arrived in the United States.

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members, and (b)(6),(b)(7)(C) identified DOs (b)(6),(b)(7)(C) as being at the residence, but could not identify which officers stayed with him and which officers went inside his residence.

Interview of (b)(6),(b)(7)(C)



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(b)(6),(b)(7)(C)

2. REPORT NUMBER

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10. NARRATIVE

On January 26, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C) in Fort Payne, AL. Present during the interview was an attorney (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) and from CRCL (b)(6),(b)(7)(C) via telephone. CRCL provided the Interpreter for the interview via telephone. The interview was memorialized in an Agent Affidavit by SA (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) was in contact with the (b)(6),(b)(7)(C) attorney before the interview. A release form was furnished by (b)(6),(b)(7)(C) to represent and advise (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) stated that there were four (b)(6),(b)(7)(C) officers that entered the residence wearing police type uniforms with weapons. (b)(6),(b)(7)(C) stated that he heard the officer(s) knock on the front door while he was in his bedroom with his wife and son. (b)(6),(b)(7)(C) stated that he overheard the officer(s) asking the children where their mother and father were. (b)(6),(b)(7)(C) stated that the officers then knocked on his bedroom door and (b)(6),(b)(7)(C) stated he told his wife to open the door. (b)(6),(b)(7)(C) stated that upon entering the bedroom, an officer took him, his wife and son into the living room. (b)(6),(b)(7)(C) stated that he did not give the officers permission to enter and search his bedroom. (b)(6),(b)(7)(C) stated that he was arrested along with (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) was shown photo line-ups of the FOT members, and (b)(6),(b)(7)(C) identified DO (b)(6),(b)(7)(C) and DO (b)(6),(b)(7)(C) as being at the residence. (b)(6),(b)(7)(C) could not remember which officer came into his bedroom.

Re-interview of (b)(6),(b)(7)(C)

On March 22, 2012, SA (b)(6),(b)(7)(C) interviewed (b)(6),(b)(7)(C). Present at the interviews was an attorney (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) who represents (b)(6),(b)(7)(C). An interpreter was used via telephone for both interviews provided by CRCL.

(b)(6),(b)(7)(C) maintained their original statements given to OPR that neither had given permission for the FOT members to enter their residence and search.

Interview of DO (b)(6),(b)(7)(C) ☐

On February 21, 2012, SAs (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C).

DO (b)(6),(b)(7)(C) stated that the FOT went to the residence searching for an ICE fugitive when the FOT encountered a male later identified as (b)(6),(b)(7)(C) in the parking lot. (b)(6),(b)(7)(C) was approached by the FOT, and based upon the information that (b)(6),(b)(7)(C) provided, it was determined that he

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10. NARRATIVE was in the U.S. illegally. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) advised the FOT that he had a passport inside his residence, and gave the FOT permission to enter his residence with him to obtain his passport. DO (b)(6),(b)(7)(C) stated that upon entering the residence the team encountered (b)(6),(b)(7)(C) and determined that he was also in the U.S. illegally. DO (b)(6),(b)(7)(C) stated that he does not recall who first encountered (b)(6),(b)(7)(C) in the apartment. Interview of DO (b)(6),(b)(7)(C) ☐ On February 22, 2012, SA (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that the FOT went to the address searching for a fugitive (b)(6),(b)(7)(C). As the FOT arrived at the apartment complex parking lot, they encountered an individual later identified as (b)(6),(b)(7)(C). DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) advised him that he did not live at this building, and that he was coming over to buy a four wheel motorcycle that was on the back porch of that apartment building. DO (b)(6),(b)(7)(C) stated that he went to (b)(6),(b)(7)(C) knocked on the door, and a young female about five or six years old answered. DO (b)(6),(b)(7)(C) stated that he asked the child if her parents were home, and at that time, one of the officers who was back at the car with (b)(6),(b)(7)(C) (believed to be DO (b)(6),(b)(7)(C)) shouted that (b)(6),(b)(7)(C) admitted that he lived there, and was going inside to get his identification. DO (b)(6),(b)(7)(C) stated that they accompanied (b)(6),(b)(7)(C) inside apartment to retrieve his passport. DO (b)(6),(b)(7)(C) stated that (b)(6),(b)(7)(C) admitted that he was in the U.S. illegally, and without proper documentation so he was taken into custody. DO (b)(6),(b)(7)(C) stated that he first encountered (b)(6),(b)(7)(C) in the common area of the apartment, and had no knowledge of how (b)(6),(b)(7)(C) arrived there. DO (b)(6),(b)(7)(C) stated that he did not recall who checked the identification of (b)(6),(b)(7)(C) but it was determined during the routine checks that (b)(6),(b)(7)(C) was in the U.S. illegally. Interview of DO (b)(6),(b)(7)(C) ☐ On February 23, 2012, SA (b)(6),(b)(7)(C) interviewed DO (b)(6),(b)(7)(C).	

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(b)(6), (b)(7)(C)

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10. NARRATIVE

DO (b)(6), (b)(7) stated that when the FOT arrived at the address (b)(6), (b)(7)(C) was also getting out of his vehicle. DO (b)(6), (b)(7) stated that the FOT contacted (b)(6), (b)(7)(C) and asked him questions concerning where he lived. DO (b)(6), (b)(7) stated that (b)(6), (b)(7)(C) said that he was there to work on a mini-bike that was positioned between two apartments.

DO (b)(6), (b)(7) stated that he asked (b)(6), (b)(7)(C) for identification. (b)(6), (b)(7)(C) admitted that he was in the U.S. illegally. Based on his admission, DO (b)(6), (b)(7) placed (b)(6), (b)(7)(C) under arrest and handcuffed him.

DO (b)(6), (b)(7) stated (b)(6), (b)(7)(C) admitted that he lived in the apartment, and that his passport was in his apartment. DO (b)(6), (b)(7) stated that he asked (b)(6), (b)(7)(C) if they could all go in together to get his identification and (b)(6), (b)(7) gave the FOT consent to enter. DO (b)(6), (b)(7) stated that he notified DO (b)(6), (b)(7) that (b)(6), (b)(7)(C) gave consent to enter his apartment.

DO (b)(6), (b)(7) stated that he, (b)(6), (b)(7)(C) and DO (b)(6), (b)(7) went in the residence together and obtained (b)(6), (b)(7)(C) identification, and the identification of all the adults inside the residence, with the exception of (b)(6), (b)(7)(C).

DO (b)(6), (b)(7)(C) was unable to provide any identification, and admitted that he was in the United States illegally. At that time, (b)(6), (b)(7)(C) was taken into custody along with (b)(6), (b)(7)(C).

Interview of SDDO (b)(6), (b)(7)(C) ☐

On February 7, 2012, SAs (b)(6), (b)(7)(C) interviewed SDDO (b)(6), (b)(7)(C).

SDDO (b)(6), (b)(7)(C) stated that the (b)(6), (b)(7)(C) went to that location in an attempt to locate a fugitive (b)(6), (b)(7)(C). SDDO (b)(6), (b)(7)(C) stated that prior to knocking on the residence (b)(6), (b)(7)(C) drove up in the parking lot. One of the officers asked him where he lived, and (b)(6), (b)(7)(C) pointed toward the apartments. SDDO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) gave the FOT consent to go inside the apartment with him and retrieve his passport.

SDDO (b)(6), (b)(7)(C) stated that once inside, there were several other people in the apartment. SDDO (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) admitted that he was illegally in the U.S., and he was arrested along with (b)(6), (b)(7)(C).

SDDO (b)(6), (b)(7)(C) stated that the FOT was wearing vests and/or identification jackets with police/ ICE

 DEPARTMENT OF HOMELAND SECURITY REPORT OF INVESTIGATION CONTINUATION HB 4200-01 (37), Special Agent Handbook	1. CASE NUMBER 201203098
	PREPARED BY (b)(6),(b)(7)(C)
	2. REPORT NUMBER 014
10. NARRATIVE identifiers issued by ICE for enforcement actions. All officers were displaying ICE badges, weapons and verbally identified themselves as law enforcement. SDDO (b)(6),(b)(7)(C) stated that he witnessed (b)(6),(b)(7)(C) giving authorization to enter his apartment. SDDO (b)(6),(b)(7)(C) stated that all officers acted in a professional manner, and all policies and procedures were followed. Form I-213 ☐ The Form I-213 was prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C), and it does not state who received the authorization or who witnessed the authorization to enter the apartment. DO (b)(6),(b)(7)(C) stated that he did not document who specifically (b)(6),(b)(7)(C) gave the consent to, and he does not recall. The Form I-213, was also prepared by DO (b)(6),(b)(7)(C) for (b)(6),(b)(7)(C) and it states that permission to enter the residence was granted by (b)(6),(b)(7)(C) to enter the residence and to retrieve his (b)(6),(b)(7)(C) s) passport. There was no mention regarding (b)(6),(b)(7)(C) giving permission for the FOT to enter (b)(6),(b)(7)(C) bedroom and conduct a search. PROSECUTORIAL ACTION: On April 17, 2012, the United States Attorney's Office, Northern District of Alabama, reviewed this case for prosecutorial merit. The prosecuting Assistant United States Attorney (AUSA) declined prosecution of the case on May 4, 2012. NOTE: Most of the individuals arrested along with witnesses listed in this report have been deported or have left the United States, and returned to their country of origin. There were numerous witnesses not interviewed during the course of the investigation due to their failure to appear for a scheduled interview with OPR. OPR enlisted the assistance of the (b)(6), to contact individuals but they could not contact them. Although some witnesses identified the Birmingham FOT members as being at their residences in a photo line-up, not one witness could identify any FOT member committing any type of offense. One detainee admitted to OPR that he and his wife had previously lied during their original statements to OPR, because he was afraid of being deported.	

		Personnel Security File of (b)(6),(b)(7)(C)			2012		
Interim Report (Memo of Interview APPROVED) ROI # 003.pdf	File	Interim Report (Memo of Interview APPROVED) ROI # 003	Miscellaneous	(b)(6),(b)(7)(C)	20-Jan-2012		
Identification photos	File	IRS (b)(6),(b)(7)(C) Hq OPR Intel, recovered the identification photos of (b)(6),(b)(7)(C) S.A. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) along with photos of similar looking individuals.	Miscellaneous		23-Jan-2012		
Prosecutorial Description Letter to SA (b)(6)	File	Prosecutorial Description Letter to SA (b)(6) from (b)(6)	Miscellaneous		24-Jan-2012		
Training Sheets for 4th Amendment training	File	Training Sheets for 4th Amendment training for ERO FOT	Miscellaneous		24-Jan-2012		
4th Amendment Training for ERO FOT	File	List of training for ERO FOT on 4th Amendment Training.	Miscellaneous		24-Jan-2012		
Schedule interviews for Fort Payne, AL	File	Schedule for Fort Payne, AL interviews on January 26 - 27, 2012.	Miscellaneous		24-Jan-2012		
Add Attachment			Previous 10 11-20 of 65 - Next 10				



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represent them in a possible CRCL case.

At the interview today was (b)(6),(b)(7)(C) from (b)(6) and (b)(6),(b)(7)(C) Civil Rights and Civil Liberties (CRCL). The interviews went great with no problems. There will need to be a great deal of follow up with witnesses and possibly obtaining video surveillance tapes.

Hide	On 12-23-2011, sent request to	27-Dec-2011 12:10:58	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	On 12-23-2011, sent request to have detainees arranged for interviews. Request went to (b)(6),(b)(7)(C) Case Manager at LaSalle Detention Facility in Jena, LA. Response from (b)(6),(b)(7)(C) All right, good sir, I am in the process of getting notifications and arrangements made More than likely from this point on the local ICE personnel or the Warden will be working with you, however, I will assist wherever I can and am able At some point, enjoy the holidays (b)(6) (b)(6),(b)(7)(C) ☐ CASE MANAGER The GEO Group, Inc. LaSalle Detention Facility (b)(6),(b)(7)(C) Jena, La 71342 Tel: 318 992 (b)(6) • Fax: 318 992 5470		
Hide	On 12-26-2011, spoke with (b)(6)	27-Dec-2011 12:08:44	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	On 12-26-2011, spoke with (b)(6),(b)(7)(C) AFOD in Birmingham, who stated that if the person arrested was not on the target list then a FOW would not have been filled out for them. Only people arrested on the target list had FOWs.		
Hide	On 12 26, 2011, worked on inte	27-Dec-2011 12:07:26	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	On 12 26, 2011, worked on interview Q&A for Thursday at La Salle Detention Facility in Jena.		
Hide	On 12-23-11, received the Fiel	23-Dec-2011 15:14:16	(b)(6),(b)(7)(C)

Total 19 people arrested during the December 9-11, 2011 Operation by FOT Birmingham			
 Hide	Don, April 19, 2012, SA (b)(6), (b)(7)(C)	19-Apr-2012 14:24:31	(b)(6), (b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	(b)(6)		
April 19, 2012, SA (b)(6) requested the target list for the operation showing the number of targets that were arrested during the operation. Also, copies of the I-213s for the collateral arrest were also requested. These documents received will be uploaded in JICMS. Per your request, I have attached a copy of the requested 213's and the target list with the targets that were arrested highlighted as targets 15,16,17,30,33,34,and 35.  (b)(6), (b)(7)(C) Assistant Field Office Director Alabama Operations (b)(6), (b)(7)(C) Homewood, AL 35209 Cell (202) 329-(b)(6) Fax (256) 546-5001			
 Hide	April 19, 2012, SA (b)(6), (b)(7)(C)	19-Apr-2012 14:21:16	(b)(6), (b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	April 19, 2012, SA (b)(6) received the following eMail from (b)(6), (b)(7)(C) at (b)(6) Dear (b)(6), (b)(7)(C) Please let us know when we might expect an update about your meeting with the U.S. Attorney in Birmingham. I have been in contact with (b)(6), (b)(7)(C) immigration attorney, (b)(6), (b)(7)(C). You indicated during our last conversation that you are interested in including (b)(6) on the list of potential witnesses. You may contact (b)(6), (b)(7)(C) directly to set up next steps for (b)(6). While you should already have her contact information, here it is again: (b)(6), (b)(7)(C) Odom Immigration Law Group, 404-446 (b)(6), (b)(7)(C). We have also now been in contact with (b)(6), (b)(7)(C). As I indicated to you during our conversation, he remains interested in participating in the process although he is now out of the country. We can accommodate any telephonic or video conferencing that might be required to accomplish this, with notice. Best, (b)(6), (b)(7)(C)		
	On April 17, 2012, SA (b)(6), (b)(7)(C)	18-Apr-2012 16:35:21	(b)(6), (b)(7)(C)

Type	Case Notes		
Visibility	Public		
Text	On March 26, 2012, SA (b)(6) re-interviewed (b)(6),(b)(7)(C) - who is the wife to (b)(6),(b)(7)(C) SA (b)(6) will memorialize the conversation in an agent affidavit.		
Hide	On March 22, 2012, OPR re-inte	26-Mar-2012 14:29:39	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	On March 22, 2012, OPR re-interviewed (b)(6),(b)(7)(C) in Ft. Payne, AL. The interviews were memorialized in an agent affidavit by SA (b)(6).		
Hide	March 16, 2012, email to (b)(6)	19-Mar-2012 15:17:26	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	March 16, 2012, email to (b)(6),(b)(7)(C)		
I don't have a reason to hold them, I interviewed them twice. I sent a message to (b)(6),(b)(7)(C) and informed them of this, as well. So, don't hold them up for OPR.			
Thanks for your assistance,			
(b)(6),(b)(7)(C)			
Special Agent			
Hide	March 16, 2012, email from (b)(6)	19-Mar-2012 15:16:16	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	March 16, 2012, email from Phil Miller, FOD New Orleans. Good afternoon. I hope all is well. I just wanted to check and see if you guys still need the three remaining detainees from the north Alabama RTS. Their names and a-numbers are on the attached spreadsheet. Sorry I couldn't extraxct the data for you but I'm on a plane flying home and this new BB isn't cooperating. Have a great weekend!		
Thanks,			
(b)(6)			
Hide	On March 22, 2012, interviews	19-Mar-2012 15:09:54	(b)(6),(b)(7)(C)

Dear (b)(6),(b)(7)(C)

Thank you for your email and phone call. As I mentioned on the phone, (b)(6) is requesting that prosecutorial discretion be exercised on behalf of our 8 clients who are currently detained in the LaSalle Detention facility. We appreciate your assistance to ensure that this request receives the required attention. Please expect more information from our office related to this request.

(b)(6),(b)(7)(C) will be your main point of contact for the upcoming witness interviews. Our office has been in contact with a number of the individuals that you would like to interview in the Fort Payne area. We have confirmed that at least 5 will be available to be interviewed on Thursday, October 26th. We have also identified that English, Canjobal and Akateko are the languages that the witnesses speak. Therefore, arrangements should be made to have a Canjobal and Akateko interpreters available.

We are reaching out to others on your list as well. Therefore, the number of scheduled interviews may increase before the end of next week. (b)(6),(b)(7)(C) will be able to provide you with more specific information related to the schedule, meeting time/place and any additional witnesses who can be available for interviews. Feel free to communicate with her directly at 404-221 (b)(6).

We look forward to being in touch. Feel free to let me know if you have any questions or concerns.

Best,

(b)(6),(b)(7)(C)

Hide	January 13, 2012, SA (b)(6),(b)(7)(C)	14-Jan-2012 19:20:37	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	January 13, 2012, SA (b)(6) contacted (b)(6),(b)(7)(C) with (b)(6),(b)(7)(C) to let her know the current status of the detainees. She advised that she understood and wants to send OPR/NO information on (b)(6) possibly applying for a prosecutorial discretion for the aliens. After we receive this information from (b)(6), we will forward it to SAC Damato and possible OPLA for review.		
	(b)(6),(b)(7)(C) is an attorney with (b)(6) and was present during the interview of the detainees.		
Hide	January 13, 2012, notified RAC	14-Jan-2012 19:17:08	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	January 13, 2012, notified RAC (b)(6),(b)(7)(C) of the situation. Decision to call SAC (b)(6),(b)(7)(C) was made to inform of the situation.		
Hide	January 13, 2012, SA (b)(6) con	14-Jan-2012 19:15:23	(b)(6),(b)(7)(C)
Type	Case Notes		
Visibility	Public		
Text	January 13, 2012, SA (b)(6) contacted AFOD (b)(6),(b)(7)(C) ERO, who is over the LaSalle Detention Center. SA (b)(6) inquired regarding the status of the 8 detainees that were interviewed by OPR on December 29, 2011. AFOD (b)(6),(b)(7)(C) stated seven of the detainees are ready to be removed from the U.S. because they have previous deportation orders. AFOD (b)(6),(b)(7)(C) stated they contacted CRCL to see what they wanted to do and then he was going to call OPR. I advised him that I would have to get back to him. AFOD (b)(6),(b)(7)(C) stated that ERO can wait a few weeks until they hear from OPR/NO before deporting any of the detainees in question.		

Family Name (CAPS) (b)(6),(b)(7)(C)		First	Middle		
Country of Citizenship GUATEMALA	Passport Number and Country of Issue		Case No.	(b)(7)(E) (b)(6),(b)(7)(C)	
U.S. Address (b)(6),(b)(7)(C) FORT PAYNE, ALABAMA, 35967,		Date, Place, Time, and Manner of Last Entry / / 1998, Unknown Time, UNK		Passenger Boarded at	
Number, Street, City, Province (State) and Country of Permanent Residence See Narrative		Date of Action 12/11/2011		Location Code NOL/BHM	
City, Province (State) and Country of Birth OTR, GUATEMALA		AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐		
NIV Issuing Post and NIV Number		Social Security Account Name			
Date Visa Issued		Social Security Number			
Immigration Record NEGATIVE - See Narrative		Criminal Record None Known			
Nationality of Spouse (Maiden Name, if Appropriate) (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA		Number and Nationality of Minor Children 1 USC			
Address, if Known (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA		Mother's Name and Maiden Names, Nationality, and Address, if Known (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? ☒ Yes ☐ No		Systems Checks See Narrative	
Name and Address of (Last)(Current) U.S. Employer See Narrative		Type of Employment		Salary Hr / / / /	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) (b)(6),(b)(7)(C)					
(b)(6),(b)(7)(C)		Left Index fingerprint		Right Index fingerprint	
		(b)(6),(b)(7)(C)		(b)(6),(b)(7)(C)	
FOREIGN ADDRESS ... (CONTINUED ON I-831) (b)(6),(b)(7)(C)					
Alien has been advised of communication privileges		(b)(6),(b)(7)(C)		(b)(6),(b)(7)(C)	
Distribution: A-File CIS Etowah - DP0066		Received: (Subject and Documents) (Report of Interview) Officer: (b)(6),(b)(7)(C) on: December 11, 2011 at 1325 (time) Disposition: Notice to Appear Detained (I-862) Examining Officer: (b)(6),(b)(7)(C)			

Family Name (CAPS) (b)(6),(b)(7)(C)		First	Middle
Country of Citizenship GUATEMALA	Passport Number and Country of Issue	Case No (b)(7)(E) (b)(6),(b)(7)(C)	
U.S. Address (b)(6),(b)(7)(C) FORT PAYNE, ALABAMA, 35967,			
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, UNK		Passenger Boarded at	
Number, Street, City, Province (State) and Country of Permanent Residence			
Date of Birth (b)(6),(b)(7)(C)	Date of Action 12/10/2011	Location Code NOL/BHM	
City, Province (State) and Country of Birth SAN RAFAEL, HUEHUETENANGO, GUATEMALA	AR ☒ Form : (Type and No.) Lifted ☐ Not Lifted ☐		
NIV Issuing Post and NIV Number	Social Security Account Name		
Date Visa Issued	Social Security Number (b)(6),(b)(7)(C)		
Immigration Record POSITIVE - See Narrative		Criminal Record None Known	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) (b)(6),(b)(7)(C)		Number and Nationality of Minor Children CLAIMS 1 [14] LIVES AT HOME	
Name, Address, and Nationality, if Known (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA		Name, Address, and Nationality, if Known (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA	
Monies Due Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative	Charge Code Words(s) I6A
Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary Hr	Employed from/to
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) (b)(6),(b)(7)(C) Left Index fingerprint (b)(6),(b)(7)(C) Right Index fingerprint			
None			
ARRESTING AGENTS (b)(6),(b)(7)(C)			
... (CONTINUED ON I-831)			
Alien has been advised of communication privileges _____ (Date/Initials)		(b)(6),(b)(7)(C) Deportation Officer (Signature and Title of Immigration Officer)	
Distribution: TO FILE TO CIS TO DP 0066		Received: (Subject and Documents) (Report of Interview) Office (b)(6),(b)(7)(C) on: December 10, 2011 at 1227 (time) Disposition: Bag and Baggage Examining Officer: (b)(6),(b)(7)(C)	

Family Name (CAPS) (b)(6),(b)(7)(C)		First	Middle
Country of Citizenship GUATEMALA	Passport Number and Country of Issue	Case No. (b)(7)(E)	(b)(6),(b)(7)(C)
U.S. Address (b)(6),(b)(7)(C) CARTHAGE, MISSISSIPPI, 39051,		(b)(6),(b)(7)(C)	
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, UNK		Passenger Boarded at	(b)(7)(E)
Number, Street, City, Province (State) and Country of Permanent Residence See Narrative		Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated ☐ Apprehension	
Date of Birth (b)(6),(b)(7)(C)	Date of Action 12/10/2011	Location Code NOL/BHM	Date/Hour 12/10/2011 1430
City, Province (State) and Country of Birth OTR, GUATEMALA	AR ☒ Form : (Type and No.) Lifted ☐ Not Lifted ☐	By See Narrative	
NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry PWA Other	Status When Found SEEKING EMPLOYMENT
Date Visa Issued	Social Security Number	Length of Time Illegally in U.S. AT ENTRY	
Immigration Record NEGATIVE - See Narrative		Criminal Record None Known	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)		Number and Nationality of Minor Children ONE USC CHILD	
(b)(6),(b)(7)(C) Nationality: GUATEMALA		(b)(6),(b)(7)(C) Nationality: GUATEMALA	
Monies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative	(b)(7)(F) de Words(s)
Name and Address of (Last)(Current) U.S. Employer See Narrative	Type of Employment	Salary Hr / / / /	Employed from/to
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)			
(b)(6),(b)(7)(C)		Left Index fingerprint (b)(6),(b)(7)(C) Right Index fingerprint	
None		o/n	
FOREIGN ADDRESS ----- SAN RAFAEL INDEPENDENCIO OTHER - FOR COUNTRIES OTHER THAN US, MEXICO, AND CANADA, GUATEMALA			
ARRESTING AGENTS ... (CONTINUED ON I-831)			
Alien has been advised of communication privileges 12-1		(b)(6),(b)(7)(C)	
Distribution: A-File CIS Etowah - DP0066		Received: (Subject and Documents) (Report of Interview) Officer: (b)(6),(b)(7)(C) on: December 10, 2011 at 1453 (time) Disposition: Notice to Appear Detained (I-862) Examining Officer: (b)(6),(b)(7)(C)	

Family Name (CAPS) (b)(6), (b)(7)(C)		First	Middle		
Country of Citizenship GUATEMALA	Passport Number and Country of Issue See Narrative	Case No. (b)(6), (b)(7)(E)	File Number (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	
U.S. Address (b)(6), (b)(7)(C)		FORT PAYNE, ALABAMA, 35967,			
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, UNK		Passenger Boarded at		☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated Version	
Number, Street, City, Province (State) and Country of Permanent Residence See Narrative				(b)(7)(E)	
Date of Birth (b)(6), (b)(7)(C)	Date of Action 12/10/2011	Location Code NOL/BHM		At/Near Fort Payne, Alabama	
City, Province (State) and Country of Birth OTR, GUATEMALA	AR ☒ Form : (Type and No.) Lifted ☐ Not Lifted ☐			Date/Hour 12/10/2011 1000	
NIV Issuing Post and NIV Number	Social Security Account Name		By See Narrative		
Date Visa Issued	Social Security Number		Status at Entry PWA Other		
Immigration Record POSITIVE - See Narrative		Criminal Record None Known		Status When Found SEEKING EMPLOYMENT	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) (b)(6), (b)(7)(C) NATIONALITY: GUATEMALA		Number and Nationality of Minor Children NONE			
Father's Name, Nationality, and Address, if Known (b)(6), (b)(7)(C) NATIONALITY: GUATEMALA		Mother's Present and Maiden Names, Nationality, and Address, if Known (b)(6), (b)(7)(C) Maria NATIONALITY: GUATEMALA			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative	(b)(7)(E) Words(s)		
Name and Address of (Last)(Current) U.S. Employer UNEMPLOYED	Type of Employment	Salary	Employed from/to Hr / / / /		
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)					
None ☐					
PASSPORT NUMBER AND COUNTRY OF ISSUE (b)(6), (b)(7)(C)					
FOREIGN ADDRESS ... (CONTINUED ON I-831) (b)(6), (b)(7)(C)					
Alien has been advised of communication privileges 12-1 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)					
Distribution: A-File CIS Etowah - DP0066					
Received: (Subject and Documents) (Report of Interview) Office (b)(6), (b)(7)(C) on: December 10, 2011 at 1429 (time) Disposition: Notice to Appear Detained (I-862) Examining Officer: (b)(6), (b)(7)(C)					

First (b)(6),(b)(7)(C)		Middle (b)(6),(b)(7)(C)	
Country of Citizenship GUATEMALA	Passport Number and Country of Issue (b)(6),(b)(7)(C)	Case No. (b)(7)(E)	(b)(6),(b)(7)(C)
U.S. Address (b)(6),(b)(7)(C) SCOTTSBORO, ALABAMA, 35768,			
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, UNK, EWI		Passenger Boarded at	
Number, Street, City, Province (State) and Country of Permanent Residence LA INDEPENDENCIA SAN RAFAEL, HUEHUETENANGO, GUATEMALA			
Date of Birth (b)(6),(b)(7)(C)	Date of Action 12/09/2011	Location Code NOL/BHM	
City, Province (State) and Country of Birth SAN RAFAEL, HUEHUETENANGO, GUATEMALA	AR ☒ Form : (Type and No.)	Lifted ☐ Not Lifted ☐	
NIV Issuing Post and NIV Number	Social Security Account Name NONE		
Date Visa Issued	Social Security Number		
Immigration Record NEGATIVE - See Narrative		Criminal Record None Known	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			Number and Nationality of Minor Children ONE, UNITED STATES
Father's Name, Nationality, and Address, if Known (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA		Mother's Present and Maiden Names, Nationality, and Address, if Known (b)(6),(b)(7)(C) NATIONALITY: GUATEMALA	
Monies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative	Charge Code Words(s) (b)(7)(E)
Name and Address of (Last)(Current) U.S. Employer NONE	Type of Employment Unemployed or Retired	Salary	Employed from/to Hr / / / /
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) (b)(6),(b)(7)(C)			
Left Index fingerprint (b)(6),(b)(7)(C)		Right Index fingerprint (b)(6),(b)(7)(C)	
o/n'd			
ARRESTING AGENTS ... (CONTINUED ON I-831)			
Alien has been advised of communication privileges		12-9-11 (Date/Initials)	
Distribution: A File CIS Etowah DP 0066		Received: (Subject and Documents) (Report of Interview) Officer: (b)(6),(b)(7)(C) on: December 9, 2011 at 1359 (time) Disposition: Notified Examine Officer: (b)(6),(b)(7)(C)	

5.1. Field Points of Contact for Parental Rights (“Field POCs”).

- 1) Each ERO FOD shall designate a specially trained coordinator at the supervisory level in his or her Field Office to serve as the Field POC for Parental Rights for his/her area of responsibility (AOR). These Field POCs will regularly communicate with the Parental Rights Coordinator (See 5.8) and report to ERO HQ on the progress of implementing this Directive. The Field POCs will also participate in all relevant training offered by HQ ERO on the subject of this Directive.
- 2) Each Field POC shall receive and address public inquiries related to the parental rights or family ties of detained alien parents or legal guardians of minor children. Careful consideration should be given to cases involving parents or legal guardians who are primary caretakers, those who have a direct interest in family court or child welfare proceedings, and those whose minor children are USCs or LPRs. Inquiries may be received from detained or non-detained aliens, their family members, attorneys or representatives, advocacy groups, state and local family courts, and/or child welfare services, among others.
- 3) Information regarding how to contact the Field POCs shall be posted and publicized at detention facilities within each AOR and on the ICE website. Information will be made available in multiple languages to the extent practicable.

5.2. Prosecutorial Discretion and Identification.

- 1) ***Prosecutorial Discretion.*** FODs shall continue to weigh whether an exercise of prosecutorial discretion may be warranted for a given alien and shall consider all relevant factors in this determination, including whether the alien is a parent or legal guardian of a USC or LPR minor, or is a primary caretaker of a minor. While the FODs may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible.
- 2) ***Identification.*** ICE may receive information that identifies an alien as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor at any time during the alien’s arrest, processing or detention.

If such information is sufficiently credible to confirm the alien’s status as a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, FODs should reevaluate any custody determination for the alien to the extent permitted by law and in accordance with existing ICE policy.

Once a detained alien has been determined to be a parent or legal guardian of a USC or LPR minor, or as a primary caretaker of a minor, the FOD or Field POC should also enter this information into ENFORCE.



orderly visa and immigration processing; (iv) that they will depart the United States without delay following the conclusion of the final parental rights termination hearing for which they traveled to the United States; and (v) that they understand that if they do not depart the United States promptly upon the completion of such hearing, they may be subject to removal from the United States without further hearing as an arriving alien. Additionally, facilitation of return under this Directive will not relieve an alien of any ground of inadmissibility, deportability, or ineligibility for immigration benefits or relief or protection from removal.

- 3) The alien will be responsible for incurring all costs associated with returning to United States to participate in the termination of parental rights hearings; the alien will also incur all costs for departing the United States at the conclusion of the hearing.
- 4) Requests to facilitate return will be considered and accommodated on a case-by-case basis, taking into account security and public safety considerations and other relevant factors, such as whether the family court or relevant child welfare authority will permit the removed alien to participate through alternative means, e.g., through video or standard teleconferencing.

5.8. Implementation through Collaboration and Information Sharing.

- 1) The ERO EAD shall designate a Parental Rights Coordinator.
- 2) The Parental Rights Coordinator shall be responsible for:
 - a) Serving as the primary point of contact and subject matter expert for all FODs and Field POCs, regarding the parental rights of detained aliens.
 - b) With the assistance of relevant ERO divisions responsible for data collection and analysis, evaluating on an ongoing basis information collected from ENFORCE, Risk Classification Assessment (RCA) and other relevant ICE information technology systems regarding detained alien parents or legal guardians and sharing with FODs and Field POCs, on an ongoing basis, relevant information about detained alien parents and legal guardians within each AOR.
 - c) Assisting FODs and Field POCs in utilizing information about detained alien parents and legal guardians to help ensure compliance with this directive, including:
 - i. the appropriate exercise of prosecutorial discretion with respect to detained aliens who are determined to be the primary caretaker of a minor child, or who are determined to be the parent or legal guardian of a USC or LPR child;
 - ii. appropriate initial placement decisions and transfer decisions for detained alien parents or legal guardians;



- iii. the appropriate provision of escorted trips to family court or child welfare proceedings for detained alien parents or legal guardians;
 - iv. appropriate visitation within ICE facilities; and
 - v. appropriate efforts, to the extent practicable, to allow a detained alien parent or legal guardian to make provisions for their minor children, including through increased access to counsel, consular officials, family and dependency courts, child welfare authorities personnel, and/or family members or friends in order to arrange guardianship, or to obtain travel documents or otherwise make necessary travel arrangements, for his or her children.
- d) Coordinating as necessary with other relevant ERO program offices, FODs, state or local family court or child welfare authority personnel, consular officials and others to facilitate the timely response to issues or complaints relating to the parental rights of detained aliens received by ICE.
 - e) Working as necessary with relevant ICE program offices and consular officials to facilitate the return to the United States of certain lawfully removed aliens by grant of parole for the sole purpose of participation in the termination of parental rights proceedings.
- 3) To the extent practicable, the FODs and the Field POCs shall utilize information collected from ENFORCE, RCA, and other relevant ICE information technology systems regarding detained alien parents and legal guardians to perform the functions described in Section 5.8(2)(c) of this Directive.

5.9. Outreach.



- 1) With support from other relevant ICE program offices and in coordination with U.S. Department of Homeland Security (DHS) entities and the U.S. Department of Health and Human Services' Administration for Children and Families, the ERO EAD or his or her designee shall work with representatives of family and dependency courts and child welfare authorities to develop methods for improving communication and cooperation between the immigration enforcement, family or dependency court, and child welfare systems.
- 2) In cooperation with non-governmental organization stakeholders, the ERO EAD or his or her designee shall ensure the dissemination to all over-72-hour facility law libraries relevant resource guides, including materials prepared by non-governmental organizations and reviewed by ICE, regarding dependency proceedings and the intersection of these proceedings with immigration enforcement and detention.

5.10. Training.

- 1) The Parental Rights Coordinator, in consultation with relevant ICE and DHS program offices – to include other relevant ERO program offices, the ICE Office of Training

and Development, Office of Detention Policy and Planning, and the DHS Office for Civil Rights and Civil Liberties – shall develop training materials to assist FODs, Field POCs, and other relevant Field Office personnel in the implementation of this Directive.

- 2) Training shall cover, at a minimum, the means by which ICE officers and personnel will safeguard the parental rights of aliens they encounter – through identification, placement, monitoring, accommodation, and removal – while fulfilling their obligation to enforce the immigration laws.

6. Recordkeeping. None.

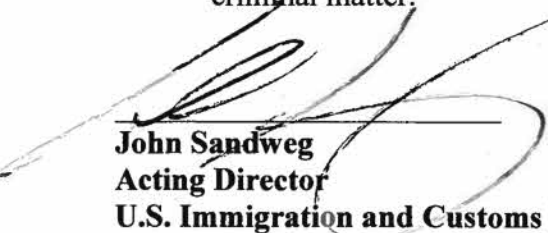
7. Authorities/References.

- 7.1. INA § 212(d)(5), 8 U.S.C. § 1182(d)(5).
- 7.2. 8 Code of Federal Regulations (CFR) §212.5
- 7.3. ICE Policy 10075.1, Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens (June 17, 2011).
- 7.4. ICE Policy 10072.1, Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011).
- 7.5. 2011 Performance-Based National Detention Standard, “5.2 Trips for Non-medical Emergencies.”
- 7.6. ICE Policy 11022.1, Detainee Transfers (January 4, 2012).

8. Attachments.

- 8.1. Detainee Transfer Checklist (updated).

9. **No Private Right.** Notwithstanding the provisions of this Directive, ICE retains its discretion to remove or detain any alien to the extent permitted by law, irrespective of an alien’s pending family court or child welfare proceeding. These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



John Sandweg
Acting Director
U.S. Immigration and Customs Enforcement





**U.S. Immigration
and Customs
Enforcement**

DEC -1 2004

MEMORANDUM FOR: Field Office Director

FROM: Victor x. Cerda
Acting Director

A handwritten signature in black ink, appearing to read "Victor x. Cerda".

SUBJECT: Use of Immigration Enforcement Agents in Fugitive Operations

Purpose



Identify proper utilization of Immigration Enforcement Agents in Fugitive Operations conducted under the auspices of the National Fugitive Operations Program (NFOP).

Background

The primary mission of NFOP is to identify, locate, and apprehend individuals identified as fugitives wanted by ICE with the highest priority placed on those fugitives who have been convicted of, or are being prosecuted for, crimes committed. Further, NFOP's goal is to eliminate the backlog of fugitives and ensure that the number of aliens deported equals the number of final orders of removal issued by the immigration courts in any given year. To accomplish this, teams were strategically deployed around the country to work solely on those cases identified as fugitives and attempt to locate and apprehend those persons who will ultimately be removed from the United States.

Currently, the NFOP has 18 teams in 16 locations. Each team consists of a Supervisory Deportation Officer (SDO), four Deportation Officers (DO), an Immigration Enforcement Agent (IEA) and a Deportation Assistant (DA). In Field Offices with multiple teams, support and supervisory duties are shared amongst the teams. Our strategic NFOP goal is to deploy a full team to each FOD.

While the IEA is an integral part of the team, the use of this position has varied greatly in the Field Offices. This memorandum sets national DRO policy on the use of an IEA on fugitive operations missions to ensure that the IEA is utilized within the parameters of their position description.

Policy

Effective immediately, Field Offices will ensure that IEA's are not used as a principal means of carrying out fugitive operations. Instead IEA's will act in a support function to those teams. IEA positions were deployed, and will continue to be deployed, as part of the NFOP with the intention of



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: All Field Office Directors
Deputy Assistant Director for Field
Operations

DEC 10 2004

FROM: Victor X. Cerda
Acting Director

A handwritten signature in black ink, appearing to read "V. X. Cerda".

SUBJECT: Addition of Chapter 19, Section 16 (Fugitive Operations Training
Requirements) of the Detention and Deportation Officers Field
Manual (DDFM)

The DDFM is changed to reflect the addition of Section 16, Chapter 19. Accordingly the DDFM is changed as follows:

19.16 Fugitive Operations Training Requirements

POLICY



Effective immediately, all National Fugitive Operations Program (NFOP) teams are required to receive training necessary to accomplish their mission. Each team has a two year window from the date of their creation, and for those currently in place from the date of the issuance of this policy, to complete the below listed required training

THE REQUIRED TRAINING IS AS FOLLOWS:

Basic Fugitive Operations Training Program (FOTP) All Officers¹
Basic First Aid and Cardio Pulmonary Resuscitation² All Officers

Team supervisors are required to maintain the training records of each officer and are to ensure that each officer is qualified as required above. Team supervisors are also to ensure that officers are re-certified in Basic First Aid and Cardio Pulmonary Resuscitation in a timely manner. Furthermore, they are required to make sure training is updated in that particular officer's training record (currently using ONTRACK).

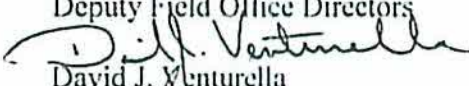
¹ This includes supervisory deportation officers, deportation officers and immigration enforcement agents assigned as NFOP team members.

² Memorandum titled Basic First Aid and Cardio Pulmonary Resuscitation (CPR) Training of Fugitive Operations Team Members, dated December 3, 2003, remains in effect.



U.S. Immigration
and Customs
Enforcement

JAN 19 2010

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors
FROM: 
David J. Venturella
Acting Director
SUBJECT: Documentation of Consent to Enter and Search

Purpose



This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(6),(b)(7)(C) at (202) 732 (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS**

Use of Restraints

Policy Number: ERO 11155.1

Issue Date: 11/19/2012



Effective Date: 11/19/2012

Review/Expiration Date: 11/19/2016

Superseded: Memorandum on Use of Restraints, Victor X. Cerda,
Acting Director (July 20, 2004)

Federal Enterprise Architecture Number: 306-112-002b

- 1. Purpose/Background.** This Directive establishes guidelines for officers who arrest and detain persons pursuant to the authorities of U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO).
 - 1.1.** This Directive applies to all ICE ERO officers with arrest authority as authorized in the INA as amended and implemented in Title 8, Code of Federal Regulations.
 - 1.2.** This Directive applies from the time the arrestee is encountered until processed into an ICE approved detention facility or turned over to another law enforcement agency, and to subsequent detainee transfers or transports by ERO officers.
- 2. Policy.**
 - 2.1.** Upon arrest officers shall apply appropriate restraint devices which may include, but are not limited to, handcuffs, flexible restraints, or full restraints, in accordance with the procedures outlined in this directive.
 - 2.2.** Except in exigent circumstances, officers shall only use ICE authorized restraints on arrestees in a manner that is safe, secure, and professional and in a manner consistent with appropriate ICE-approved or provided training. Restraints will not be used to impose punishment on any individual arrested by ICE personnel.
 - 2.3.** Regardless of the level of restraints used, no arrestee will be transported without the assigned officer conducting his/her full search of the arrestees person for contraband, except when circumstances pose a safety hazard or danger to the officer, arrestee or the public. In the latter case, a full search will be conducted as soon as practicable. A pat down search shall be the minimum search conducted.
 - 2.4.** When transporting a restrained arrestee, officers shall take reasonable and prudent precautions to avoid causing unnecessary or physical discomfort. If possible, avoid exposing restrained persons to unnecessary public view. Once applied, the restraints must not restrict blood circulation or breathing.

firearms that have not been abandoned or forfeited. This memorandum directs ICE officers to pursue judicial forfeiture or promptly seek assistance from the Bureau of Alcohol, Tobacco, Firearms, and Explosives or state or local law enforcement. In addition, the OPLA Memorandum states that officers must document evidence, contraband, or other forfeitable property confiscated, seized or acquired by abandonment through search warrants, consent searches, grand jury subpoenas, administrative summonses, surveillances, trash runs, or other means.

2. Policy.

ERO enforcement officers who seize property to be used as evidence *must* attempt to turn over seized property to HSI. If HSI is unable to accept said property, ERO officers may seek to transfer property to another law enforcement agency, or temporarily detain said property. *If the seized item is a firearm, it must be handled in a manner consistent with Section 1.4 of this policy.* At all times, ERO officers will document such seizures and transfers consistent with this directive. ERO may also store such property if the other agencies decline to accept the property (e.g., due to its de-minimus value) in accordance with current CBP and ICE policies.

3. Definitions.

- 3.1. Seizure is taking physical possession and/or control of property.
- 3.2. Detention is withholding release of property pending a decision to seize.

4. Responsibilities.

- 4.1. **The Criminal Alien Division** is the Office of Primary Interest and is responsible for developing and updating this Directive and associated procedures.
- 4.2. **ERO Officers** are responsible for following the procedures listed in this Directive.

5. Procedures.

5.1. Officers:

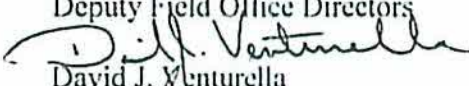


- 1) Follow the procedures listed in established policies (see section 1.4 of this Directive).
- 2) Document any seized, abandoned or detained items in the Enforcement Integrated Database (i.e., by using ENFORCE) on Form I-44, *Record of Apprehension or Seizure*.



**U.S. Immigration
and Customs
Enforcement**

JAN 19 2010

MEMORANDUM FOR: Field Office Directors
Deputy Field Office Directors
FROM: 
David J. Venturella
Acting Director
SUBJECT: Documentation of Consent to Enter and Search

Purpose



This memorandum establishes guidance for Detention and Removal Operations (DRO) officers regarding documentation of consent to enter and/or search a premise, or other constitutionally protected location, when consent is required in accordance with the Fourth Amendment.

Background

The Detention and Removal Operations mission promotes public safety and national security by ensuring the departure of all removable aliens from the United States through the fair and effective enforcement of the nation's immigration laws. During the execution of this mission, officers often possess only administrative arrest authorities pursuant to a Warrant for Arrest of Alien (I-200). As such, officers will often find themselves in circumstances requiring informed, voluntary consent to enter and/or conduct a search of a residence, vehicle or other constitutionally protected location in compliance with the Fourth Amendment.

Discussion

When consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of such withdrawal. This documentation shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent. The FOW shall be kept with other investigative case related materials for future reference. Also, if an arrest is made, this information will be included in the narrative portion of the Record of Deportable Alien (Form I-213).

Additional inquiries, please contact the NFOP Unit Chief (b)(6), (b)(7)(C) at (202) 732-(b)(6), (b)(7)(C)
email (b)(6), (b)(7)(C)

likely to contain up-to-date contact information. These should be targeted as soon as possible to limit the opportunity for a fugitive to relocate. Teams are expected to act expeditiously if they receive current, time-sensitive leads.

As resources are best spent on cases with the freshest and most reliable leads, FOSC has created a cold case docket for those cases without any investigative leads in the past decade. FOSC will review the cold case docket twice a year to determine if new information has surfaced. New information may cause FOSC to conclude the case is resolved (for instance, because the case was reopened) or return it to the active fugitive docket (for instance, because of new information about the alien's location).

Teams will receive Fourth Amendment training every six months which will focus on the special considerations when apprehending fugitives at their home. Any team member with questions should consult his or her supervisors and consult with the Office of Chief Counsel. Team members are encouraged to engage in surveillance both to promote officer safety and increase the likelihood the team will encounter the targeted alien—rather than aliens who are not in the tiers above and would not otherwise have been the focus of limited government resources.

If during the course of operations teams encounter removable aliens, teams may place those aliens into removal proceedings, even if they are not in one of the three tiers. However, this should not detract attention away from the reason Congress mandated and funded fugitive operation teams—the apprehension and removal of fugitive aliens. In any event, detention resources shall be focused on aliens in the three tiers above and aliens subject to mandatory detention by law. Absent extraordinary circumstances, team members should not detain aliens who are physically or mentally ill, disabled, elderly, pregnant, nursing, or the sole caretaker(s) of children or the infirm. To detain aliens in those categories, team members must secure approval from the Field Office Director and send a significant event notice (SEN) to headquarters.

Measuring Success

As apprehending and removing fugitives is the program's core mission, field offices' performance will be measured in part by the reduction in the fugitive docket and by compliance with priorities. Each field office and the FOSC should strive to reduce the pool of fugitives by 5% more in FY 2010 than it did in FY 2009. A field office may increase productivity—the reduction in the fugitive pool—by apprehending fugitives or otherwise resolving fugitive cases, even if no arrest is involved. This includes resolving cases by determining that a target has departed the country on his or her own or determining that the case was reopened or the target has since received an immigration benefit. Field offices should not feel such pressure to meet this goal that they lose focus on the priorities and sound use of resources. This goal does not constitute a quota; rather, this goal allows the teams to gage their productivity.

The field should not focus on numbers to the detriment of targeting and arresting the most egregious, violent offenders in their area of responsibility (AOR). To acknowledge the tiered prioritization above, DRO also will track fugitive arrests, by tier, using EARM/FCMS/TECS. Arrests will be separated by tiers, criminal and non-criminal arrests, and indictments and





Homeland
Security

OCT 24 2013

MEMORANDUM FOR: (b)(6),(b)(7)(C) Unit Chief
Management Oversight Unit
Homeland Security Investigations

FROM: James T. Hayes, Jr.
Special Agent in Charge
HSI New York

SUBJECT: ACTION MEMORANDUM
Management Referral #201311732
Subject: Raab, Robert



TYPE: Management Referral

FINDING: () Referred to Management (X) Not Referred to Management

ACTION TAKEN (check all that apply, and include documentation for action(s) taken):

Date Action Taken: Not Applicable

- (X) No Action (provide details)
- () Counseling
- () Verbal Reprimand
- () Written Reprimand
- () Suspension: number of days _____
- () Reduction in Grade
- () Removal
- () Remedial: () reassignment, () training, or () letter of caution

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OF JEFFERSON

STATE OF ALABAMA

I, (b)(6),(b)(7)(C) who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

A. (b)(6),(b)(7)(C) Supervisory Immigration Enforcement Agent (SIEA), GS 11

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. (b)(7)(E) ☐

Q. What is your current assignment and duty station?

A. (b)(6),(b)(7)(C) Immigration Enforcement Agent- Homewood, Alabama

Q. How long have you worked in your current assignment at your current duty station?

A. Since (b)(7)(E)

Q. Who is your first line (b)(6),(b)(7)(C)

A. (b)(6),(b)(7)(C) Detention and Deportation Officer (SDDO) in Gaston.

Q. Briefly describe your duties.

A. (b)(6),(b)(7)(C) Immigration Enforcement Agents in the Criminal Alien Program.

(b)(6),(b)(7)(C)

Affiant (b)(6),(b)(7)(C) Initials

(b)(6),(b)(7)(C)

DEPARTMENT OF HOMELAND SECURITY
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

AFFIDAVIT

COUNTY OF JEFFERSON

STATE OF ALABAMA

I, (b)(6),(b)(7)(C) who after being duly sworn state the following:

Q. Please state your full name, present position, and grade.

A. (b)(6),(b)(7)(C) Supervisory Detention and Deportation Officer (SDDO),
GS 13

Q. How long have you been employed by U.S. Immigration and Customs Enforcement?

A. (b)(7)(E) ☐

Q. What is your current assignment and duty station?

A. (b)(6),(b)(7)(C) Deportation Officer

Q. How long have you worked in your current assignment at your current duty station?

A. (b)(7)(E)

Q. Who is your first line supervisor?

A. (b)(6),(b)(7)(C)

Q. Briefly describe your duties.

A. (b)(6),(b)(7)(C)

Q. How many officers are on the (b)(6),(b)(7)(C)

A. There are (b)(6),(b)(7)(C) all together. We have a position open for one more.

Q. How long have you (b)(6),(b)(7)(C)

A. Since (b)(7)(E)

Affiant Initials

(b)(6),(b)(7)(C)

Q. When was the (b)(6) created in Homewood, AL?

A. (b)(7)(E) We are the original members of the team with the exception of (b)(6),(b)(7)(C) came several months after us.

Q. How many operations have your (b)(6) (b)(7)(E) done here in Homewood since (b)(7)(E) (F)?

A. (b)(7)(E).

Q. Since the (b)(6) got started in (b)(7)(E) have you had any complaints from the public?

A. No, we have not. No complaints or allegations.

Q. Were you directly involved in "Operation Return to Sender"? What were the dates of the operation?

A. Yes. (b)(7)(E) ☐

Q. Was this a Headquarters approved operation? Explain the approval procedure.

A. Yes. An operation plan and target list is submitted through the chain of command and vetted by Headquarters (HQ) Office of Enforcement and Removal Operations (ERO). Also a summary of the two most egregious targets is submitted. Following approval of the operation plan by HQ and the director of ERO, the fugitive operations team (FOT) is authorized to conduct the enforcement action.

Q. Is there a list of targets (individuals) that are approved by headquarters to go out, locate and arrest?

A. Yes. See above answer.

Q. Where there any other law enforcement agencies included in this operation? Did any law enforcement assist in any way?

A. No. The local law enforcement agencies were notified, but they did not participate in the operation.

Q. Are you aware of a memo dated January 19, 2010, from (b)(6),(b)(7)(C) Acting Director, Office of Detention and Removal Operations (DRO), in which the subject of the memo is "Documentation of Consent to Enter and Search"?

A. Yes, I am.

Affiant Initials

(b)(6),(b)(7)(C)

Q. In the discussion part of the memo it says that "when consent is required, the officer asking for such consent shall document the name of the person giving consent, the scope of the consent given, the time of day that the consent was given and other relevant factors such as the identity of any other individuals that witness the granting of consent. Additionally, officers should document the time the search was completed and, if consent is withdrawn, the time of search withdrawal. This information shall be included in the Field Operations Worksheet (FOW) as soon as it is practical after receiving consent " It also states that "if an arrest is made this information is included in the Record of Deportable Alien (Form- I-213)" Are you aware of this section of the memo?

A. Yes, I am.

Q. Are you aware of a memo dated August 24, 2007, from John Torres, Director, DRO, in which the subject of the memo is Juveniles Encountered During Fugitive Operations?

A. Yes.

□

Q. Were any juveniles encountered during "Operation Return to Sender?"

A. No.

Q. Are you aware of a memo dated December 08, 2009, from John Morton, Assistant Secretary, U.S. Department of Homeland Security (DHS), in which the subject is National Fugitive Operations Program: Priorities, Goals, and Expectations?

A. Yes.

Q. This memo discusses Fourth Amendment Training every six months which will focus on the special considerations when apprehending fugitives at their home. As a supervisor for a Fugitive Operation Team (FOT) do you and your officers receive this training as stated? (Shown copy of training records) Is this a copy of the training dates and signatures of those who attended?

A. Yes, I am. Birmingham FOT completes 4th amendment training every six months with the most recent on November 3, 2011. We also do training prior to a National Operation.

Q. Are you aware of a memo dated June 17, 2011, from John Morton, Director, DHS, in which the subject is Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens?

A. Yes.

Affiant Initials

(b)(6),(b)
(7)(C)

Q. To the best of your knowledge and belief, during "Operation Return to Sender" did you or any officer interrogate young children about the whereabouts of their parents?

A. No.

Q. During "Operation Return to Sender", did you are any officer involved in this operation threaten to arrest U.S. Citizen children if those children did not disclose the whereabouts of their parents?

A. No. ☐

Q. Are you aware that there is an Office of Professional Responsibility (OPR) investigation regarding entering homes without permission and terrorizing families during the dates of "Operation Return to Sender?" If so, who did you discuss this investigation with?

A. We were notified by management within the New Orleans Field Office that allegations were made that the (b)(6),(b)(7)(C) and OPR would possibly be interviewing the FOT.

Note:

The following will be questions regarding seven address that you were directly involved with. Please provide the information to the best of your knowledge and belief.

(b)(6),(b)(7)(C)

Fort Payne, Alabama

Q. Were you working on Saturday, December 10, 2011, with Operation Return to Sender?

A. Yes. (b)(6),(b)(7)(C) of the group.

Q. During the operation, did you and other officers go to (b)(6),(b)(7)(C) (b)(6),(b) Fort Payne, Alabama? If so, what was the purpose?

A. Yes. (b)(6),(b)(7)(C) was the fugitive target, and this was his last known address. He was the target of the investigation, and he was confirmed to be residing at this location.

Q. Who were the officers present that day at that address?

A. Myself along with Deportation Officer (DO) (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

Affiant Initials

(b)(6),(b)(7)(C)

**DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT**

COUNTY OF JEFFERSON
STATE OF ALABAMA

□

AFFIDAVIT

I, (b)(6),(b)(7)(C) being first duly sworn, hereby depose and state as follows:

I am a Supervisory Detention and Deportation Officer (SDDO) with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), assigned to the Fugitive Operations Team (FOT) in Birmingham, Alabama. I have been employed in this capacity since (b)(7)(E). As part of my official duties, I am assigned to locate and arrests fugitive aliens with outstanding orders of removal as well as the enforcement of other statutes.

On December (b)(6) 2011, the FOT attempted to locate (b)(6),(b)(7)(C) at his place of residence at (b)(6),(b)(7)(C) Scottsboro, AL 35768, as a part of operation Return to Sender (RTS). (b)(6),(b)(7)(C) is a fugitive alien with a final order of removal dated April 29, 1997.

(b)(6),(b)(7)(C) is a native and citizen of Mexico who illegally entered the United States in 1993. (b)(6),(b)(7)(C) was issued a Notice to Appear and placed into removal proceedings before Immigration Judge. (b)(6),(b)(7)(C) was ordered removed from the United States to Mexico on April 29, 1997. (b)(6),(b)(7)(C) had not appealed this decision and his order of removal from the United States was final.

On December 9, 2011, I along with Deportation Officer (DO) (b)(6),(b)(7)(C) positively identified (b)(6),(b)(7)(C) leaving the residence at (b)(6),(b)(7)(C) Scottsboro, AL 35768.

(b)(6),(b)(7)(C) was encountered inside his vehicle parked in his driveway. He was accompanied by his U. S. Citizen wife and children. We identified ourselves, positively identified (b)(6),(b)(7)(C) and explained the details of the case.

(b)(6),(b)(7)(C) wife provided an I-130 receipt (Petition for Alien Relative) from the vehicle glove compartment, and stated that she had additional documentation inside the residence.

(b)(6),(b)(7)(C) and his wife mutually agreed to allow DO (b)(6),(b)(7)(C) and I to enter the residence with them as they attempted to locate additional immigration documents. The (b)(6),(b)(7)(C) had no additional documents to indicate relief from the removal order and (b)(6),(b)(7)(C) was taken into custody.



Homeland
Security

OCT 24 2013

MEMORANDUM FOR: (b)(6),(b)(7)(C) Unit Chief
Management Oversight
Investigative Support Unit
Homeland Security Investigations

THROUGH: James T. Hayes, Jr.
Special Agent in Charge
Homeland Security Investigations, New York

FROM: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)
Group Supervisor
Homeland Security Investigations, New York

SUBJECT: Investigative Finding- Management Referral
Special Agent (b)(6),(b)(7)(C)
File Number 201311732

Executive Summary:

On September 23, 2013, Supervisory Special Agent (SSA) (b)(6),(b)(7)(C) was assigned Management Referral #201311732 by Homeland Security Investigations New York (HSI NY), Special Agent in Charge (SAC) James T. Hayes, Jr. The Management Referral alleged that on January 31, 2011, Special Agent (SA) (b)(6),(b)(7)(C) of the HSI NY office conducted an unauthorized search of a residence.

Details of Inquiry:

On August 14, 2013, the Joint Intake Center received an email from Deputy Special Agent in Charge (DSAC) (b)(6),(b)(7)(C) reporting that SA (b)(6),(b)(7)(C) of the HSI NY office allegedly conducted an unauthorized search of a residence pursuant to a search warrant received out of the Eastern District of New York (EDNY). The circumstances surrounding the incident, as detailed in the report filed, are as follows:

On January 24, 2011, SA (b)(6) submitted an affidavit in support of a search warrant in the EDNY for alleged violations of child pornography at a location described as (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Brooklyn, NY 11229. SA Raab stated in the supporting affidavit that the internet provider (IP) address Cablevision registrant was (b)(6),(b)(7)(C) (b)(6),(b)(7)(C), Brooklyn, NY 11229. The premises described in the affidavit for the search warrant was described as follows: